West Sussex County Council

Parking Policy

Contents:

Part		Page
1	Introduction	
2	The Policy Framework	
	Objectives	
	The Integrated Parking Strategy	
	Overview of Residents' Parking Schemes	
	Road Space Audits	
	Footway (Verge and Pavement) Parking	
3	National Legislation and Guidance	
	The Road Traffic Regulation Act 1984	
	The Traffic Management Act 2004 (Part 6)	
	The Deregulation Act 2015	
	The Traffic Signs Regulations and General Directions 2016	
	Statutory and Operational Guidance	
	Traffic Penalty Tribunal Reports	
	The Blue Badge Scheme	
4	Civil Parking Enforcement	
	Background	
	General Aims	
	Civil Enforcement Officers: *Responsibilities* *Uniform Policy* *Areas of Enforcement where Discretion is Applied*	

	<u>Penalty Charge Notices:</u> *Evidence* *Serving a Penalty Charge Notice* *Processing a Penalty Charge Notice* *Considering Cases* *Mitigation*	
	<u>Penalty Charge Notices (Continued):</u> *Payments* *Reoffering the Discount Amount* *Procedures and Timescales* *FOAM (Fast Online Appeals Management)*	

	<u>Enforcement Policies</u> *Abandoned Vehicles* *Abusive and Violent Behaviour* *Bank Holidays and Sunday Enforcement* *Bank Visits* *Bill Stickers* *Blocked Access* *Breakdowns* *Bus Stops and Bus Stop Clearways and Bus Lanes* *Car Parks* *Certified Enforcement Agents (Bailiffs)* *Clamping and Removals* *Coaches* *Complaints* *Conflicts of Interest* *Council Vehicles* *Court Delays* *Crossovers* *Delivery and Collection of Goods* *Dental Appointments* *Differential Charging* *Diplomatic Vehicles* *Disabled Bays* *Disabled (Blue) Badge Holders* *Displaying Pay and Display Tickets* *Drink Driving* *Drive-Aways* *Drivers in Vehicles* *Emergencies* *Emergency Vehicles* *Expired Permits* *Flat Battery/Tyre (see under "Breakdowns")* *Footway (Pavement/Verge) Parking* *Funerals and Weddings* *Garages – Vehicles Left for Attention* *Government Departments* *Glaziers* *Grace Periods* *Hazardous Substances* *Hearses (see under "Funerals and Weddings")*	

	<u>Enforcement Policies (Continued)</u> *Hire and Lease Agreements* *Holidays* *Hospital and Other Medical Appointments* *Hours of Enforcement* *Limited Waiting Bays* *Lines and Signs* *Liveried Royal Mail and other Universal Services Providers* *Loading/Unloading Guidelines* *Lost Keys* *Maximum Size of Vehicle* *Motorcycle Parking* *Obscured/Incorrectly Validated Permits* *Observation Periods* *Overheating (see under "Breakdowns")* *Overseas Registered Vehicles* *Parking Outside Bay Markings* *Pay and Display Machine Faults* *Pay and Display Tickets – Expired Time* *Pedestrian Crossings* *Photographs* *Picking Up/Dropping Off Passengers* *Public Assistance* *Prevention of Service of a PCN* *Registered Keeper* *Reporting* *Requests for Enforcement* *Running out of petrol (see under "Breakdowns")* *Scaffolders* *Schools* *School Zigzags* *Second & Subsequent PCNs* *Shopping* *Skip Licences* *Snow, Leaves, Frost* *Special Events* *Statutory Undertakers (Utilities)* *Suffixes* *Supporting Evidence* *Suspension Procedures* *Taxis and Minicabs* *Traffic Regulation Orders* *Vehicle Definitions* *Waivers/Dispensations* *Warning Notices* *Weddings (see under "Funerals and Weddings")* *Window Cleaners*	

	APPENDICES	
1	Abbreviations and Terms Used in Parking	
2	Observation Periods	
3	Standard Penalty Charge Codes	
4	Parking Shops/Offices	
5	Case Law	
6	Signing and Lining of Residents' Parking Schemes	
7	Exemptions from Waiting Restrictions	
8	Document Control Guidelines	

1. Introduction

This policy document combines and replaces three sets of guidance concerning the operation of Civil Parking Enforcement (CPE) in West Sussex. These are:-

- CPE Enforcement Policy Manual
- Penalty Charge Notice Processing Guide
- Penalty Charge Notice Case Manual

The policy document has been prepared with the support and co-operation of the following West Sussex local authorities:-

- Adur District Council and Worthing Borough Council (Joint)
- Arun District Council
- Chichester District Council
- Crawley Borough Council
- Horsham District Council
- Mid Sussex District Council
- West Sussex County Council (as Project Manager)

CPE has been introduced throughout West Sussex.

Enforcement of all parking restrictions on the public highway and in Council owned car parks in Chichester, Crawley, Horsham and Mid Sussex is carried out by Civil Enforcement Officers (CEOs) employed by the relevant District or Borough Council. In Adur and Worthing the CEOs are employed by NSL Services, Arun District Council partly employs CEOs and part contracts them to NSL Services. Under these joint working arrangements, West Sussex County Council (WSCC) is not responsible for the issuing or determination of Penalty Charge Notices (PCN) and any appeal against the issue of a PCN should be made to the relevant District or Borough Council.

2. The Policy Framework

Objectives

One of the objectives of WSCC's Parking Policy Review is to update and consolidate the existing policy and guidance documents for Residents' Parking Schemes (RPS) and parking enforcement within the county of West Sussex. This involves improving and harmonising existing parking policies and guidance so that they reflect national legislation and guidance while recognising local needs and conditions across the county.

However, the overarching aim is to put into effect the objectives of the County Council's Integrated Parking Strategy (IPS) and the wider policy background.

The Integrated Parking Strategy

As the Highway Authority for West Sussex, WSCC has an IPS that sets out its approach to managing parking.

The IPS brings together a number of different policy drivers to commission a joined-up parking service that reflects the objectives of Government, WSCC and stakeholders and to meet the needs of the community.

'Integration' refers to the coming together of various parking functions that are the separate responsibility of WSCC and the District and Borough Councils, and the close liaison between those authorities to provide a coordinated and joined-up parking service.

By definition, the objectives of the strategy are broad, encompassing a range of policy influences which have been grouped as follows:

Traffic Management Objectives

- To manage the free flow of all traffic on the highway and to maintain road safety for all road users.
- To share out limited kerb space amongst competing user groups, fairly and transparently.
- To maintain town centre parking charges and controls that provide effective demand management to:
    - protect the needs of residents and their visitors;
    - encourage the turnover of on-street parking of short duration;
    - support local businesses
    - encourage long-stay parking to take place in off-street car parks and/or designated on-street locations; and
    - minimise the effect of circulating traffic 'searching' for spaces.

Community Objectives

- To prioritise parking in residential areas for use by residents and their visitors.
- To ensure that the parking and transport needs generated by new development are adequately provided for by the development and do not have adverse impacts upon local communities.

Economic Objectives

- To provide sufficient on-street car parking in town and village centres to maintain economic vitality and viability without encouraging unnecessary or excessive car use.

Health and Wellbeing Objectives

- To reduce levels of car ownership and reliance on the private car as the principle mode of choice through the promotion and support of alternatives, including car clubs, car sharing, non-car modes and active travel.
- To facilitate the adoption of less polluting technology, such as electric vehicles, through the development of appropriate support infrastructure.

Locational Objectives

- To encourage the location of activities in well-served and accessible areas.
- To locate long-stay parking spaces in off-street car parks or less central on-street areas, subject to the safeguarding of residents' parking needs.
- To support the provision of out-of-town Park and Ride schemes that reduce long-stay town centre parking.

Enforcement Objectives

These are set out in more detail under "General Aims" in Part 4, but may be summarised as follows:-

- To provide a single integrated parking service, combining on-street and off-street management and enforcement that will be accessible, at a local level within the Districts and Boroughs.
- To provide the effective enforcement of parking controls.

Financial Objectives

- For parking schemes to be self-financing. Individual schemes should, preferably, recover their set-up costs over a period of time and return a surplus to the On-Street Parking Account to provide for on-going maintenance, monitoring, enforcement, review and extension, where necessary. In the case of new development, these costs should be borne by the developer.
- To review parking charges regularly and to set those charges at levels that cover operating costs and influence short and long stay parking demands, consistent with traffic management and demand management objectives

- WSCC's On-Street Parking Account, to which all expenditure and income is assigned, to operate in surplus, as required under Section 55 of the Road Traffic Regulation Act 1984. Any surplus, should be used, in the first instance, to implement or support parking schemes and subsequently to improve parking facilities and approved transport and environmental improvement schemes, strategically across the Count irrespective of where they originated.

Residents' Parking Schemes

Residents, visitors, shoppers, people who work/study in an area and rail commuters compete for the limited on-street parking space and in some roads this can cause severe parking problems. A Residents' Parking Scheme (RPS) is a method of controlling/managing on-street parking, and is introduced primarily to assist people living in areas where they experience difficulty in parking close to their homes, for example, as a result of existing waiting restrictions or non-residents who park for long periods in nearby roads. A RPS is designed to:

- prevent or manage all day on-street parking by non-residents,
- make it easier for residents, shoppers and visitors to park,
- enhance road safety, and
- remove obstructions to private accesses by eliminating indiscriminate parking.

There are currently seven RPS in West Sussex, in Billingshurst, Bognor Regis, Chichester, Crawley, East Grinstead, Horsham and Worthing.

Within a RPS, large signs are located at all zone entry points. These inform motorists of the days/hours during which parking is controlled within the area they are entering. During the hours of control, parking is permitted only in designated parking bays (marked with white lines). Signs are positioned adjacent to all parking bays showing the hours of parking control and the type of parking permitted, e.g. Resident Permit Holders only.

Residents holding a permit can park a vehicle in any parking bay where permit parking is allowed, within the zone that is specified on the permit. Normally this would be within their own street or close to their home. Wherever possible parking bays are located outside or near residential properties in order to try to ensure that residents can park close to their own property, although parking in a particular space cannot be guaranteed.

Within a RPS there may also be Limited Waiting and/or Pay & Display parking bays which are clearly indicated by road signs. These may be used without the need for a permit and are designed to allow more people to use local shops and facilities. Some of these bays may also be used by permit holders for unlimited stays i.e. Shared Use bays, where signs permit shared use.

Double and single yellow lines may also prohibit parking on junctions and along certain lengths of road at certain (or all) times.

Road Space Audits

In many parts of West Sussex, the introduction of waiting restrictions, including RPS, has facilitated some degree of traffic management but invariably, parking problems have merely moved into adjacent unrestricted areas, either because these offer free long term parking or because there are fewer off-street car parks available to use. Some of these areas may have rarely experienced parking congestion before but others may already be congested and the increase in vehicles parking intensifies the problems.

Beyond this, new housing allocations and redevelopment, business and retail expansion, the growth in the visitor economy and the associated growth in car use in West Sussex is likely to exacerbate parking problems in many of its towns and villages. In response to this, a more progressive approach towards parking management, known as a Road Space Audit (RSA) has been piloted in Chichester to determine if there are other ways to consider existing and future parking demands.

It has subsequently determined that RSAs be made available as an approach to parking management across West Sussex and that WSCC adopts a priority programme for funding and resource allocation according to its Economic Growth Strategy.

In order to ensure that local parking policies (on and off-street) take into account the whole place both now and in the future, a RSA considers wider place/locality based planning. The outcome of a RSA is to inform the production of a strategic blueprint for a particular place that defines how parking, various alternative travel solutions (bus, rail, cycling, walking etc), infrastructure improvements, safety considerations and future development (e.g. housing) can be integrated so that the road network is used and managed in the most efficient way possible.

RSAs seek to provide essential technical data that identifies and assesses the current demands upon the road network and parking stock (i.e. how it is currently being used), whether these demands are actually being met as well as residents and users views. RSAs identify potential future demands/pressures and may make recommendations for improvement. RSAs may also assess what measures and resources might be required in order to meet these challenges, adjust supply and ultimately optimise the efficiency of the road network and parking stock.

A three tier programme of RSAs has been put forward for West Sussex.

Priority Growth Areas

Crawley, Burgess Hill, Worthing – significant growth programmes for these areas have now been prioritised for further capital investment and form a key part of the County Council's forward economic vision. RSAs are seen as integral to the development of each growth programme beginning in the financial year 2017/18.

Pipeline Areas

Horsham, Haywards Heath and Shoreham – growth plans for potential investment and the progression of strategic development locations will continue for these areas and in due course, a prioritised programme will emerge. RSAs would be appropriate as required to feed into this overall programme. In addition and depending on local development requirements RSAs may be considered for those towns where there is a train station and attempts to address parking issues at one station, may have knock–on effects at nearby stations.

Locally Identified Areas

Ad hoc RSAs or Parking Management Plans** to be undertaken by District/Borough/Parish Councils.

** Smaller towns or villages present a different set of issues and could be better suited to a light touch version of RSA process, which could incorporate the core components but the level of detail for the data collected, range of solutions available and scale of consultations would need to be commensurate to the study area. In this respect population, local employment, attractors, place function, extent of parking stress and transport issues would be important criteria for scoping the study. It may be that in some cases more localised issues can be resolved through a single scheme (e.g. a parking management plan) without requiring a more comprehensive strategy.

Footway (Pavement/Verge) Parking

Parking on footways and verges can cause considerable problems, such as

- obstruction of wheelchair and buggy users;
- obstruction of road users entering and leaving properties;
- access issues for emergency service vehicles;
- congestion of narrow streets by vehicles parked half on the footway;
- reduced visibility at junctions, bends and narrow roads;
- unsightliness and environmental damage;
- damage to underlying drainage and utility services networks;
- physical protective measures require maintenance and add to street clutter and can also impact upon grass cutting.

It is generally accepted that it is legal to park at the side of the road (including a grass verge or footway) unless:

- a Traffic Regulation Order (TRO) or Byelaw is in place
- an obstruction is caused
- the vehicle is a heavy goods vehicle

However, it is a criminal offence to drive onto a footway/verge, whether with intention to park or not, although there have long been concerns about the extent to which this is enforced by the Police.

WSCC discourages verge and footway parking where it can but it also recognises that in some situations where on-street parking capacity can't meet demand, verges and footways are often utilised as overflow parking. Whilst this is not ideal, it is often necessary to prevent roads from being obstructed by vehicles. In cases where no serious damage is being caused (e.g. ruts in a verge that are less than 100mm) WSCC may choose not to take any action.

In cases where WSCC does wish to take action, a TRO is the most effective way to enforce footway/verge parking. Where a TRO is in place on the carriageway of a road, adjacent to the area where verge or footway parking takes place, and if the order restricts waiting in any way (e.g. yellow lines), then a PCN can be served against a vehicle parked on the adjacent verge or footway. This is because the power of a yellow line applies not just to the carriageway, but to the back of the highway boundary.

Outside of London, there is no blanket legislative prohibition on parking on verges or footways, so some local authorities have tried to overcome the problem through the use of byelaws. Authorities can opt to provide warning signs and posts to deter verge parking at specified locations, supported by a byelaw prohibiting parking but the reliance on a byelaw means that enforcement can be very difficult, as it involves the authority taking action on a case by case basis and comes at considerable financial cost.

Enforcement of obstructions is the responsibility of the Police who may issue a Fixed Penalty Notice (FPN) if, for example, pedestrians or wheelchair users are

prevented from moving freely. The Police can also remove vehicles which are causing an obstruction and there are a number of statutes and regulations which allow proceedings to be brought for obstructing the highway. A vehicle may also be removed by the Police if it has been abandoned.

Goods vehicles are prohibited from parking on verges, footpaths or the central reservations of roads under section 19 of the Road Traffic Act 1988. In West Sussex, a PCN may also be issued to a heavy goods vehicle if it is parked wholly or partly on a footway, verge or on land between two carriageways, irrespective of whether there are waiting restrictions in place.

WSCC ensures that grass verges are maintained within its agreed Safety Policy. Bollards and posts deemed to be necessary to mitigate risk to highway users (hazard marker posts) can be provided at selected sites. Any existing verge marker deemed to be ineffective or pose a hazard to members of the public can also be removed and made safe. WSCC no longer subsidises the installation of verge marker posts in order to prevent parking and improve the street scene. However, it will continue to work closely with residents (on a case by case basis) to seek an alternative approach that is either self-funding or eliminates the need for verge marker posts altogether.

Under sustained pressure from local authorities, and in response to a Private Members' Bill on the matter in 2015, the government held a conference to discuss footway parking issues in March 2016. The participants identified the order-making process for TROs as a major factor affecting the enforcement of footway parking. The minister said that he was "considering how best to address the general improvement of the TRO-making process". In April 2017 he said that he planned "to launch a survey in summer 2017 in order to gather evidence about the current situation, the costs and timescales for processing TROs, and information about options for change". [Further details may be seen in the House of Commons Library Briefing Paper Number CBP 7954, 12 June 2017.]

In 2017, a WSCC Executive Task and Finish Group considered the latest ideas on footway/verge parking and recommended that no action should be taken in West Sussex on a countywide basis pending the outcome of the Government's deliberations. However it was felt that consideration should be given to a localised trial, which could clarify issues such as cost, damage to footways and verges, sign proliferation and displacement of parking to surrounding areas.

3. National Legislation and Guidance

National Legislation

Road Traffic Regulation Act 1984

Amongst many other things, this Act gives powers to local councils to make TROs imposing waiting restrictions and designating on and off-street parking places. It is under this Act therefore, that councils will establish parking arrangements either on street or in car parks, introduce parking bays, specify the type of vehicles that may use them and the conditions for their use, and specify what charges are to be made (e.g. charges for permits, charges for pay and display machines). TROs may also place restrictions on moving traffic, such as banned turns and one-way streets.

The Traffic Management Act 2004 (Part 6)

Under the Traffic Management Act (TMA) 2004 the Secretary of State for Transport can make Civil Enforcement Area (CEA) Orders, permitting authorities to enforce contraventions of parking controls within a designated CEA. Such contraventions are not criminal offences subject to a FPN, but are enforced through civil procedures. These procedures replace the criminal law procedures previously applied by the Police, and may be used both for on-street parking and in car parks.

This Act regulates the application of civil enforcement by authorities and underlies the processes explained in detail in Parts 4 and 5 of this Policy. Some of the regulations that additionally accompany the Act are:-

- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement Officers (Wearing of Uniform) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (Approved Devices)(England) Order 2007
- The Civil Enforcement of Parking Contraventions(Guidance on Levels of Charges)
  (England) Order 2007
- The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015

The Deregulation Act 2015

Under the Deregulation Act cameras can now only be used for certain restrictions and a 10 minute mandatory grace period has been introduced for parking bays.

The Traffic Signs Regulations and General Directions 2016 ("TSRGD")

These form a single document regulating all the lines and signs used to indicate different types of restrictions in force throughout the country. Apart from the very limited flexibility allowed by the TSRGD, WSCC does not have any discretion in the use of signs and lines. It must use those specified in the regulations. Should WSCC propose to use a different type of sign, or alternative wording, other than the appropriate sign, or wording, as indicated in the regulations, the sign must receive prior approval from the Department for Transport (DfT) before it can be used. Any sign that does not conform to the regulations, or has not been granted approval by the DfT is not enforceable.

The recent revision of the TSRGD has simplified and relaxed some of the requirements of earlier legislation but still allow most markings to be used in their previous form. However, significant changes are:-

• terminal markings ("T-bars") are no longer a legal requirement for yellow lines, but it will normally be appropriate to use them

• a single diagram number (1028.4) now covers most parking bays whether or not they are parallel to the kerb and whether or not they are divided into individual spaces

• the use of double lines to mark the ends of a run of spaces is now discontinued and a single line is used instead.

Detailed guidance on signing and lining is set out in Appendix 6 and is based on standard practice developed under the earlier regulations, where this is still consistent with the current legislation. For areas where increased flexibility is now allowed, reference should be made to the TSRGD.

The DfT publishes a 'Know Your Traffic Signs' guide which can be down-loaded from their web site. This guide illustrates and explains the traffic signs that a road user is most likely to encounter. Pages 39 to 54 are especially relevant to RPS.

A thorough knowledge of all traffic signs is essential for all road users, not just new drivers or riders, and this guide is a useful companion to ensure their knowledge is up-to-date. The Official Highway Code contains most of the commonly used road signs which are prescribed by the Traffic Signs Regulations, but it does not give a comprehensive explanation of our signing system. The Guide should be used to complement The Official Highway Code, while the Regulations themselves provide the definitive legal guidance.

Before any PCN is served the CEO will check that the signs and lines relating to the contravention are in place, clear and correct. There are circumstances where minor sections of lines may be missing, this does not necessarily invalidate the restriction. Any defects, missing or obscured signage/lines will be reported by the officer to the appropriate council who will then liaise with WSCC.

Statutory and Operational Guidance

Under powers given by the TMA 2004, the Secretary of State has issued both Statutory and Operational Guidance to authorities on how CPE should be implemented and administered.

Some of the principles that the DfT endorse, and which underpin the guidance are:-

- The public have a right to expect fair and efficient enforcement
- There is a need for public confidence in the scheme
- Authorities must have appropriate back office systems in place including properly trained staff
- Notice to Owner backlogs must be avoided
- Representations must be dealt with quickly and efficiently
- Mitigating circumstances must be properly considered
- Properly reasoned decisions must be given in response to representations
- Local Authorities must be sure of their ground before they contest appeals

Statutory Guidance

The Statutory Guidance has the force of law and must be closely adhered to. Failure to do so may invalidate the Council's enforcement and recovery of PCNs.

The document is entitled "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" (2016) and may be downloaded from the link below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609788/statutory-guidance-local-authorities-enforcement-parking-contraventions.pdf

Operational Guidance

The Operational Guidance gives advice to Councils on how to implement the provisions of the Traffic Management Act and also includes recommendations on enforcement and PCN processing. It contains much of the information provided in Statutory Guidance, but provides additional detail and explanations in many areas. This additional material is not itself legally binding, but the Council must still "have regard" to it in carrying out its duties. However, there are sections that denote where a local authority **must** legally carry out certain procedures, or take certain actions. These sections refer back to the Statutory Guidance or the legislation itself.

The document is entitled "Operational Guidance to Local Authorities: Parking Policy and Enforcement" (2015) and may be downloaded from the link below.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496987/operational-guidance.pdf

Traffic Penalty Tribunal Reports

The TMA also allows for an independent adjudication service in relation to penalty charge notices which is called the Traffic Penalty Tribunal (TPT). Each year they issue an annual statistical report presenting information on penalty charge notices referred to them during the financial year. They also produce reports highlighting import issues, explaining cases and adjudicators reasoning. These reports will assist each authority to continuously review any policy and procedures and have more of an understanding about the service.

The Blue Badge Scheme

The scheme is administered in West Sussex by West Sussex County Council. The Council processes applications, conducts medical assessments, and issues badges to those people who meet the eligibility criteria. The eligibility criteria are set by the Department for Transport. The scheme offers certain parking concessions which can be used by both the driver and accompanying passengers to park close to the intended destination. The scheme relates to on street parking only and there is a separate scheme for certain central London boroughs.

Concessions vary outside England and users are advised to check which concessions apply where. The blue badge is part of a wider parking card scheme and an informal reciprocal agreement applies with other European Union countries (post-BREXIT rules may apply). Other countries may recognise the UK badge but holders should check with the authorities in the country they are visiting.

The badge is given for the use of the holder and can only be displayed if they are travelling in the vehicle or if the holder is being collected or dropped off.

The badge must be displayed on the dashboard or facia of the vehicle or where it can be clearly read through the front windscreen. If there is no dashboard or facia then it must be placed where it can be clearly read from the outside of the vehicle.

The front of the badge with the hologram faces upwards with the picture side facing down. Where there is a timed restriction then the accompanying timeclock will need to be displayed.

CEOs have both the power to inspect and retain a blue badge.

Blue Badge holders in West Sussex may park with their badge being displayed:

- In designated disabled parking bays
- Pay & Display parking places with no time limit
- For up to 3 hours on a single or double yellow line where no loading restrictions are in force and showing their timeclock

Blue Badge Holders may not use a badge to park in the following areas:

- Places where a ban on loading/unloading is in place, as indicated by kerb markings
- Parking places for specific users such as residents only bays or loading bays
- Pedestrian crossings and other areas indicated by zig zag markings
- Clearways and bus stop clearways

Where a CEO has reason to believe that a blue badge is being used contrary to what is allowed then a penalty charge notice may be served. If they believe that it is being used fraudulently then a penalty charge notice may be served and the badge retained by the officer.

4. Civil Parking Enforcement

Background

The purpose of this part of the policy is to explain the guidelines under which CEOs in West Sussex will operate and the criteria under which they may serve PCNs. These guidelines have been designed to ensure that parking controls are enforced in accordance with the regulations and in a reasonable manner. Legal guidelines will often allow a CEO to issue a PCN as soon as the regulations have been breached. For example, a PCN may be served to a vehicle as soon as it has been parked on a yellow line. However, the Council understands the need for enforcement to be seen as fair and reasonable and has therefore issued these additional guidelines.

It must be appreciated that these guidelines may not apply to all circumstances (for example, where a vehicle is parked dangerously or inconsiderately) and are subject to change if circumstances vary or parking needs require changes to be made.

General Aims

- To provide a single integrated parking service, combining on-street and off-street management and enforcement that will be accessible, at a local level within the Districts and Boroughs.
- To provide the effective enforcement of parking controls.

The primary aim of enforcement is to achieve the following policy objectives –

- To encourage a high level of compliance by motorists with the parking controls and waiting and loading restrictions.
- To integrate traffic management policies with effective on-street enforcement.
- To ensure the equitable distribution and management of the availability of parking space.
- Be responsive to changing priorities, local factors and demand.
- Provide parking permits, exemptions, dispensations and waivers for residents and businesses, the disabled, and others as appropriate.

Parking enforcement will be 'fair but firm' and community support for or acceptance of parking controls is conditional upon achieving this balance in the enforcement operation. The guidance set out in this document has been designed to assist in this objective and establishes the "ethos" of the scheme; whilst individual areas will minimise the potential for misunderstanding and dispute over specific parking issues. In general, enforcement activity will comply with the following principles –

- Fairness in applying the legislation and securing compliance.
- Focusing enforcement action where necessary.
- Consistency of approach.

- Transparency about what enforcement action is taken and why.
- Recognition that an effective relationship between all areas of the enforcement operation is needed.

It is important to note that the policies and practices set out in this document may be subject to review, variation and amendment if parking patterns and other circumstances change. Accordingly, the policies contained in this document may be subject to amendment as deemed necessary.

Civil Enforcement Officers

CEOs play a key part in ensuring that roads are safe and help reduce congestion. They work as part of a team and assist in supporting other council services.

Responsibilities

A CEOs main responsibility is to encourage compliance and help keep traffic flowing. They provide a reassuring presence in local areas and will be able to offer advice and guidance to the public.

CEOs can

- Serve PCNs
- Advise drivers if they are in the vehicle that they are contravening a restriction and if they continue to park they may receive a PCN
- Issue warning notices (this is under strict management control and only for clear auditable specific purposes)
- Inspect and confiscate Blue Badges
- Report any problems with signs, lines and ticket machines, or any other matters requiring the Council's attention that they observe in the course of their duties

In the event of a PCN being served, CEOs will be able to

- Explain why it was served including pointing out the information on the controls
- Advise on legal places to park
- Explain the procedure for a motorist to write in
- Record and details of conversations, activities or additional soft evidence

CEOs cannot

- Offer an opinion on the regulations or the parking enforcement regime and the way in which it operates.
- Comment on another officers PCN
- Comment on the quality of the lines and signs or the functionality of any equipment.
- Comment on the issue of whether or not other PCNs have been issued in the same location.
- Comment on any difficulties other motorists may experience in the area.
- Indicate that a PCN should not have been issued.
- Accept money hospitality or gifts

- Deal with parking offences that involve penalty points such as blocking a road or obstruction
- Use their discretion (this is so that all motorists are treated fairly)
- Direct any traffic
- Issue tickets where the restriction does not allow them to
- Cancel PCNs
- Provide change to a motorist (because they do not carry money on them).

CEOs will remain visible to members of the public where they can and are supplied with government supported uniforms. CEOs are not given targets and are not paid for the amount of PCNs that they serve.

Uniform Policy

When exercising specified functions a CEO must be in full uniform; those functions being

- Serving PCNs and
- Authorising or carrying out the immobilisation or removal of vehicles within a CEA

A hat is part of the uniform and should be worn at all reasonable times. There may however be times when the CEO is not able to e.g.

- Religious reasons
- Variable temperatures
- If someone takes their hat

The uniform must comply with any specification provided by/agreed with WSCC.

Areas of enforcement where discretion is applied

There are a number of areas where a PCN can be served but the use of discretion is routinely applied to assist the motorist. These are subject to change:

- Vehicles displaying official Police 'aware' notices or Council abandoned vehicle notices
- A warning notice will be given for a lead in time period for a new permit restriction/ zone
- Vehicles displaying an expired resident permit will be issued with a warning notice for a period of 7 days
- Vehicles displaying a readable permit but in the incorrect position
- If the Council is contacted about a Wedding/Civil Partnership/Funeral in advance then the charge is waived for a suspension of a bay for the lead car
- Additional visitors permits are issued in the event of a funeral free of charge (maximum of 20)
- Where the vehicle driver is present, they should be asked to move and an instant PCN should be issued if the request is ignored.

Penalty Charge Notices

Evidence

In order to serve a PCN a CEO needs to have reasonable cause to believe that a contravention occurred. The reasonable cause is a consolidation of different types of primary evidence which are referred to as contemporaneous notes, meaning that they are taken at the time.

Examples of primary evidence

- The signs and lines signs & lines and their position in relation to the vehicle
- Details of tyre valve positions and from which side they are on
- The location of the vehicle
- The position of the vehicle
- That no exemptions are taking place
- No payment has been made where applicable
- That any statutory observations have been made

Examples of supporting evidence

- Details of observations and what type
- Details of the number of photographs taken
- Details of any other PCNs that may be present on the vehicle
- Description of the person who appeared to be in charge of the vehicle
- Evidence that the CEO has checked all windows and foot-wells of the vehicle
- Details of any notes/permits/tickets /waivers/Blue Badges displayed on the vehicle
- Details of any conversation had with the driver, passengers, or any other person with the vehicle or a record that the vehicle was unattended and the driver was not seen by the CEO

In addition to the primary evidence, supplementary evidence will also be recorded in the form of photographs. Photographs are not a legal requirement but are there to support the primary evidence and are required by WSCC. If the CEO is unable to take photographs for any reason e.g. faulty camera or if the vehicle drives away then an explanatory note of the reasons will be recorded.

The CEO must also record the destination of the penalty charge and once the penalty charge is complete then the details will be checked before serving it.

Serving a Penalty Charge Notice

A PCN is served by a CEO either:

- by fixing the PCN to the vehicle (this is usually taken to mean placing the PCN on the windscreen of the vehicle, or another part of the vehicle where there is no windscreen)
- by giving the PCN to the person appearing to the CEO to be in charge of the vehicle

WSCCs policy is that the PCN should be affixed to the vehicle on the side nearest to the kerb and should not be fixed on the driver's side (assuming that the vehicle is not left hand drive nor facing the opposite direction).

There are two exceptions to this;

- where the CEO was prevented from serving the PCN
- where the driver of the vehicle drove away before the PCN could be served.

A CEO may serve a PCN if they have reasonable cause to believe that a vehicle is parked in contravention of regulations at that location. There are a number of contravention codes for which the vehicle may be served a PCN and these are shown in Appendix 3.

There is no legal obligation on the CEO to serve a PCN, and there may be occasions when it is appropriate to take other action, e.g. asking the driver to move. The policies on when to issue PCN's will be decided by the enforcing Council, and are subject to review and change where appropriate. The details of a Penalty Charge are laid down in legislation and guidance.

Processing a Penalty Charge Notice

Under the TMA 2004 it is the owner/keeper of the vehicle who is responsible for the PCN and not the driver. Both the driver and the owner/keeper are allowed to write in about the notice within the first 14 days. This is known as an Informal Challenge but is not dealt with any lesser way than if it was a Formal Representation (after the Notice to Owner is sent).

Most drivers who wish to query the service of a PCN will do so within the 14 days allowed for discounted payments and should do so, in writing, to the address given on the back of the PCN.

If payment is not made and correspondence is received within the 14 days allowed for payment of the discounted charge, Statutory Guidance directs that the Council must re-offer the discounted amount if the PCN is not cancelled as a result of the correspondence. This ensures that the driver is not disadvantaged by querying the service of the PCN, and often results in payment if drivers feel that their query has been fully responded to.

Although general enquiries regarding parking can be dealt with by telephone, all queries regarding the service of a PCN must be made in writing and audited against the case. It is recommended that all informal representations received are responded to within 14 days of receipt in accordance with Statutory Guidance. If there is any delay in answering then the Council will send a letter stating when there will be a response.

Considering Cases

When evaluating and considering cases all cases will be dealt with on an individual basis. Below are some pointers that may assist when evaluating a case.

- Did the contravention occur?
- Is there evidence to support the case?
- Have all the exemptions been considered?
- Has the mitigation been taken into consideration?
- Have the TROs been referred to?
- Has a payment been made?
- Has the correspondence been received in time?

Mitigation

It is the responsibility of the Authority to consider any mitigation that the motorist may raise within their correspondence. This is not only laid down in legislation but is also frequently referred to by the Adjudication Service in outcomes of appeals and in their Annual Reports.

Mitigation is where a motorist believes that they have circumstances, other than legal ones, that merit the cancellation of the PCN. Mitigating circumstances can be anything such as

- Assisting a person who has fallen over
- A ticket having blown over
- Someone being sick in a car
- Unforeseen delays

Wherever possible evidence will need to be provided, however it is the duty of the Enforcement Authority to consider all mitigation with or without evidence. Proof of mitigating circumstances can include

- Medical Proof
- Witness Statement
- Letter from a school/GP practice/ Hospital
- Pregnancy Card
- Funeral details

Situations may arise more than once and consideration must be given on each occasion including those related to

- Crohns Disease
- Dementia
- Colitis
- Disabilities

Payments

Postal payments are to be given an additional 3 days for any crossover in the post. Post-dated cheques are to be returned to the payee immediately with a covering letter.

Reoffering the discount amount

The discount amount will only be reoffered in exceptional circumstances e.g. if the PCN was served near a school or the CEO records that someone else took the ticket off the car.

Procedures and Timescales

Once a PCN has been served the Council must follow the procedures and timescales stated in current legislation. These are summarised below.

Action	Timescale
Payment of a PCN following issue	28 Days from date of issue, discounted by 50% if it is paid not later than the last day of the period of 14 days beginning with the date on which the notice was served.
Informal representations against the issue of a PCN	Should be responded to within a period of 14 days of receipt of the informal representation (Statutory Guidance target)
Service of a NtO in respect of unpaid Penalty Charges.	On expiry of the above 28 day period and within a period of 6 months from the date of issue of the PCN (except in certain circumstances).
Representations against the issue of a NtO.	Should be made within a period of 28 days after the service of the NtO (i.e. the date it is received). The NtO should be sent by 1st class post.
Consideration of Representations	The Council must ensure that a response is received no later than 56 days from the date of receipt of the Representations (21 days is the recommended Statutory Guidance target)
Service of a Charge Certificate	
1. On non-payment	On expiry of the 28 day period stipulated in the Notice to Owner
2. On receipt of NOR	
3. On rejection of Appeal	
4. On withdrawal of Appeal	On expiry of 14 days after date of withdrawal
Enforcement of Charge Certificate	If the increased charge is not paid within 14 days of service of the Charge Certificate, an application may be made to have the charge registered as a debt at Northampton County Court (the Traffic Enforcement Centre (TEC)
Service of Order for the recovery of unpaid Penalty Charge	On authorisation of the application at the County Court. Must be sent within 7 days of authorisation.

Submission of Witness Statement against the Order for the Recovery of the charge	Within 21 days from the date of service.
Grounds under which a Witness Statement may be made	1. Did not receive the NtO in question 2. Representations made to the Council – no Notice of Rejection received. 3. Appealed to TPT, no response received. 4. PCN was paid
Service of Warrant of Control in respect of an unpaid Penalty Charge	On authorisation of the application at the TEC. Must be issued within 7 days of authorisation.

FOAM (Fast Online Appeals Management)

Following successful trials in 2016, an online appeal system known as FOAM has now been made available for PCNs throughout England and Wales (outside London). It provides a quicker, simpler, and more efficient way of submitting, managing and determining PCN appeals. When a drivers' representations against the PCN are rejected, the NOR no longer includes a form for making an appeal, but encourages the driver to use the online process on the TPT's website instead (the paper form is still available but only from the TPT by special request).

FOAM then guides the appellant through each stage of the process with email prompts and issues the local authority with "calls to action" through an online dashboard. Both parties submit their evidence to FOAM and have the chance to comment on one another's submissions. Any hearing requests take place once the authority has provided its evidence.

Enforcement Policies

Abandoned Vehicles

The County Council, District and Borough Councils and Sussex Police have formed a partnership called Operation Crackdown for reporting and swiftly dealing with abandoned vehicles in West Sussex. A countywide contract for the removal and disposal of abandoned vehicles has also been procured.

A vehicle is normally considered abandoned when it is

- untaxed or SORNed on public land
- it is taxed but not moved for four weeks

Note: A vehicle not currently taxed but which is in regular use is not an abandoned vehicle.

An abandoned vehicle can be reported using the government's website address www.gov.uk/report-abandoned-vehicle or www.westsussex.gov.uk/roads-and-travel/parking/report-an-abandoned-vehicle

The information that Operation Crackdown requires will be the

- precise location (road name, outside/opposite)
- registration of the vehicle
- make
- model
- colour

Whilst the CEOs are patrolling they will be reporting back also on any abandoned vehicles that they see. If the vehicle is obviously abandoned then the vehicle will be reported immediately via the council's procedures and no further penalty charges will be served.

Abusive and Violent Behaviour

WSCC believe that our customers have a right to be heard, understood and respected as we do with our staff and councillors; and for them to work in a safe environment free from any abuse and harm caused by others

All abusive and violent behaviour including derogatory remarks, inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations will be reported as per the individual council procedures and maybe placed on a register held by the council and be reported to the police. The Council will fully support a prosecution of individuals.

Bank Holidays and Sunday Enforcement

A Bank Holiday and a Public Holiday are technically the same except that one is set in Statute and the other in Common Law. In England and Wales the Banking and Financial Dealings Act 1971 stipulates the Bank Holidays as

- Easter Monday
- The last Monday in May
- The last Monday in August
- 26th December, if it is not a Sunday
- 27th December in a year in which 25th or 26th December is a Sunday

Christmas Day and Good Friday are Public Holidays. Additional Bank Holidays maybe added by the Queen such as a Royal Wedding. PCNs maybe served on a Bank or Public Holiday as long as it states so in the relevant TRO.

If a time plate states Mon - Sat then this includes Bank Holidays. Where it does not apply, then it will be conveyed to the motorist on the time plate, as an example Mon - Sat except Bank Holidays.

When responding to correspondence then a reference to the Council's website with a link where possible should be made and an explanation of why that particular restriction is enforceable on a Bank Holiday; as an example it maybe a main route or it may be that the residents in the area wanted to ensure that they were able to park with a permit themselves.

Other than double yellow lines and specific circumstances (where signs will indicate otherwise), it is usual for most parking restrictions to not apply on Sundays. WSCC will continue to monitor whether there is an increase in the need for parking management on Sundays resulting from changes to traditional trading patterns and trends that may affect town centre activity. Unless the TRO and signs indicate otherwise, parking restrictions will apply on bank/public holidays.

It is suggested (as good practice) that in advance of bank/public holidays, District and Borough Councils publish on their websites what enforcement is expected to take place. The restrictions will have in general, already been consulted on with the stakeholders including residents and business and agreed along with the councillors.

Bank Visits

There are no exemptions from waiting restrictions for parking while conducting business at a bank – even when using a cash machine – and unattended vehicles should be issued with PCNs. The person in charge of an attended vehicle should be asked to move it without delay and a PCN should be issued if they fail to do so.

Bill Stickers

Vehicles belonging to people who are actively engaged in the removal of advertising posters will be exempt and may park for as long as necessary to carry out their duties.

Although the vehicle may have a note on it, in most cases, the drivers will be working close by and it should therefore be apparent to CEOs that this activity is taking place. In these circumstances, a PCN will not be issued if the vehicle is parked in the following circumstances;

- in a permitted parking bay, or limited waiting bay
- on single or double yellow lines where there is no loading restriction in place.

Blocked Access

In Special Enforcement Areas (such as all the West Sussex Boroughs and Districts) a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where

a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—

(i) assisting pedestrians crossing the carriageway,

(ii) assisting cyclists entering or leaving the carriageway, or

(iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or

(b) the carriageway has, for a purpose within paragraph (a) (i) to (iii), been raised to meet the level of the footway, cycle track or verge.

A Traffic Order is not required as the exemptions are set down in legislation.

CEOs will not serve a PCN where the vehicle is:

- parked wholly within a designated parking place or any other part of the carriageway where parking is specifically authorised.
- parked outside residential premises by or with the consent (but not consent given for reward) of the occupier of the premises. This exception does not apply in the case of a shared driveway.
- being used for fire brigade or police purposes.
- being used for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service.
- being used for the purposes of delivering goods to, or collecting goods from, any premises, or is being loaded from or unloaded to any premises, and the delivery, collection, loading or unloading cannot reasonably be carried out in relation to those premises without the vehicle being parked as mentioned in subsection and the vehicle is so parked for no longer than is necessary and for no more than 20 minutes.
- being used in connection with
  - undertaking any building operation, demolition or excavation
  - the collection of waste by a local authority
  - removing an obstruction to traffic
  - undertaking works in relation to a road, a traffic sign or road lighting,
  - undertaking works in relation to a sewer or water main or in relation to the supply of gas, electricity, water or communications services
  - driver is prevented from proceeding by circumstances beyond his control or it is necessary to stop to avoid an accident
  - vehicle is stopped, for no longer than is necessary, for the purposes of allowing people to board or alight from it.

Breakdowns

Most breakdowns are not visible to the CEO so they will serve a penalty charge notice. If the motorist is with the vehicle and can show what the breakdown is e.g. engine failure or provide details that they are awaiting for a breakdown recovery truck then an exemption may apply.

Breakdown is considered to be where the vehicle could not be moved as it is beyond the motorist's control.

If the motorist writes in to claim the exemption then evidence will need to be supplied to support it, such as

- confirmation from the RAC or AA
- confirmation from a recovery company
- a receipt for parts in and around the time of the alleged contravention
- a statement from anyone who gave assistance in the breakdown i.e. jumpstarts

If the vehicle had broken down somewhere else but was transported and placed on the restriction with no other information forthcoming then consideration should be given to upholding the Penalty Charge.

Bus Stops and Bus Stop Clearways and Bus Lanes

Within West Sussex there are 2 types of bus stops

- clearways, solid yellow line within the cage markings
- advisory, double yellow lines with no cage markings

The bus stop clearway will have a time plate indicating what the restriction is and whether it applies to buses or local buses. This restriction is No Stopping.

Normal yellow line exemptions, such as loading and unloading may apply on the yellow lines within an advisory bus stop

The definitions of a bus and a local bus are given in the TSRGD 2016 as being:-

BUS: (a) a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver); or (b) a local bus

LOCAL BUS: a public service vehicle used for the provision of a local service not being an excursion or tour.

Bus lane enforcement powers have not been adopted by WSCC, although some councils have done so, particularly in the Greater London area. In West Sussex, bus lane enforcement powers remain with the police.

Car Parks

Council-operated car parks form a major part of the public parking stock, particularly in town centres and tourist destinations. They will often require regulations and enforcement and both WSCC and the Boroughs/Districts have

powers to provide car parks and apply TROs to them. In practice, this is usually done by the Boroughs/Districts making the TRO with the consent of WSCC, but using their own enforcement powers.

One of the key aspects of the Integrated Parking Strategy explained in Part 2 is the building of effective partnerships between WSCC as highway authority and the boroughs/districts as major providers of car parks. Such partnerships should aim to provide a well-managed overall service to the public and achieve the wider aims of the strategy.

The regulations imposed on the car parks may cover such issues as parking charges, permit requirements, time limits and provisions for various vehicle types and users. Those regulations need to be set with due regard for the rules applied to any nearby on-street parking – for instance, setting charges a little lower than the premium rates that may apply in a nearby shopping street.

Signing and lining within car parks is outside the scope of the TSRGD but still needs to make clear what time limits, charges and other main conditions apply to each car park.

Certificated Enforcement Agents (Bailiffs)

Under the Tribunals, Courts and Enforcement Act 2007, Bailiffs are called Enforcement Agents (EAs). EA's vehicles are only exempt from the regulations where they are actively being used for the removal of goods from a property. An EA calling to collect on a warrant (where goods are not being removed from the premises) is not exempt and unless there is any indication that goods are to be removed (when the normal loading provisions will apply) the CEO should issue a PCN.

Clamping and Removals

Through its CPE powers, WSCC has the authority to clamp or remove vehicles both on- and off-street, however, there are no plans to operate clamping or removals on-street at present. This may be introduced in the future if it is felt there is a need. Some districts and boroughs in the County do clamp and/or remove vehicles from their off-street car parks.

If clamping or removals are introduced on-street, priorities will be set and only those vehicles meeting such priorities will be subject to such action (which may include, but not be limited to persistent evaders, vehicles parked dangerously, and vehicles causing obstruction).

Coaches

The Council recognises that coaches may need to set down a large group of people in a safe manner. The CEO will always attempt to communicate with a coach driver whose vehicle is stationary. Coaches should not park in areas covered by no stopping restrictions or where it is dangerous to park. When necessary, a CEO should advise the driver on the best location to stop and record that they have done so.

Complaints

Any complaints that are received, including those about the behaviour of an employee, must be forwarded to the Council's complaints officer who will then follow the appropriate protocol. The correspondent does not necessarily need to use the actual word complaint for an investigation to be carried out, if they are claiming that appropriate standards of fairness or courtesy have not been met. On the other hand, reporting a defect or traffic problem or disagreeing with a decision that has been properly made and explained will not be in itself a complaint. All actual complaints will be investigated, recorded and monitored.

Conflicts of Interest

Conflicts of interest refer to any situation where the financial or personal interests of individuals could affect, or be thought to affect, their professional or other working involvement. An important safeguard for councils and their staff is that they should be aware of such interests and declare them openly. An example of where a conflict of interest might arise in the parking context would be a CEO knowingly issuing (or failing to issue) a PCN to a close relative or partner, or to anyone holding a position of influence within the council. Such conflicts must be recorded in the supporting evidence and, where any suspicion of improper influence is likely to arise, guidance on further action must be sought from management.

Council Vehicles

Unless the vehicle is performing a statutory duty, is carrying out essential works, or is an exempt vehicle, all Council vehicles must abide by the normal regulations. A CEO may issue a PCN upon contravention of the parking regulations. Examples of essential works include the following –

- Servicing street furniture
- Street cleansing and refuse collection
- Maintenance of utility boxes
- Highway maintenance
- Survey work
- Graffiti removal

If a CEO can see that the vehicle is engaged in essential works or statutory duties, or where it is necessary for the vehicle to be parked close to the site being worked on, a PCN must not be issued.

Parking Enforcement is a transparent and audited service. All Councillors and Council Officers are expected to park legally and will be treated in the exact same way as any other member of the public and the same criteria will apply. All requests for a Parking Ticket to be looked into must be put into writing and any undue pressure that is placed on a Parking Officer must be reported.

Note - Some Council officers may be issued with permits, which will entitle them to park in permitted bays. Also, dispensations may be issued to Councillors for use when visiting constituents. Badges may also be issued to highways maintenance vehicles and CEOs should be familiar with these.

Court Delays

Possible mitigating circumstances may arise where a PCN has been issued to a driver delayed at a court hearing. This should be considered as with all cases. It is worth taking into account the type of restriction that applied, so as an example if the contravention occurred where the motorists parking in a 1 hour maximum waiting restriction then this would not normally be accepted.

Crossovers

See under "Blocked Access".

Delivery and Collection of Goods

See under "Loading/Unloading Guidelines".

Dental Appointments

See under "Hospital and Other Medical Appointments".

Differential Charging

The changes made by the TMA 2004 included the introduction of differential charging. This has altered the penalty charge amount dependant on the type of contravention and whether it is considered "more serious" or "less serious". A more serious contravention is normally considered to be where the motorist has taken no steps to park correctly, for example, they have parked on single or double yellow lines or in a disabled bay or bus stop/stand. A less serious contravention is deemed to be where the motorist appears to have made an attempt to park correctly, for example they are displaying a face down pay and display ticket or an expired pay and display ticket (issued on the day of contravention).

Separate contravention codes were also introduced for vehicles parked in a resident's bay and those in a bay where the use is shared between residents and other road users.

Diplomatic Vehicles

Diplomatic vehicles are not exempt from PCNs. Once the PCN has been served then the CEO will press a button on the hand held to indicate that it is a diplomatic vehicle in the same way as they will do for a foreign registration. This is so that the case does not progress to the DVLA.

Diplomatic registrations are normally associated with embassies and the embassy is designated as foreign soil. This means that the Council are unable to serve any documents to it, however the TMA allows for payment to be accepted as normal.

The Foreign and Commonwealth Office (FCO) supports the fact that some authorities may pursue a PCN and will contact an embassy on behalf of the authority. All the details of the PCN are to be passed to them so that they can request the payment.

Disabled Bays

WSCC provides two types of disabled bays:

- Statutory disabled bays
- Advisory disabled bays

Statutory disabled bays are introduced under a TRO and are usually marked out on the highway by white bay markings with the word DISABLED written on the carriageway and an accompanying sign indicating disabled badge holders only; however, under the TSRGD 2016, disabled bays that are under a TRO - which operates twenty-four hours a day, every day of the year – are permitted to be indicated by just white bay marking described above – without an accompanying sign; or, by any area of the highway appropriately indicated by markings or buildouts, which has an accompanying sign that indicates that it is an area for disabled badge holders only.

Advisory disabled bays are not covered by TROs and can be indicated by white bay markings with the words DISABLED written on the carriageway, but have no sign present, and rely on the good will of other drivers not to park in them. These bays are usually sited in residential areas, outside the property of the disabled badge holder. CEOs cannot enforce this type of bay, although the police can enforce for the offence of obstruction if they consider that wilful obstruction is taking place. Within a RPS, an advisory bay may be introduced and then made statutory at a later date as part of an annual consolidation exercise.

Disabled (Blue) Badge Holders

[See "The Blue Badge Scheme" in Part 4 for further information]

In all cases, a PCN should be issued where the Blue Badge is not properly displayed on the front of the vehicle so that the details can be easily seen by the CEO. The CEO must make full notes of the manner in which the badge is displayed, supported by a photograph.

A PCN should be issued if a vehicle displaying a blue badge and clock is parked on a yellow line and is causing an obstruction or the time shown on the clock has been exceeded or the clock is not correctly displayed.

Where a CEO suspects that a Blue Badge is being used fraudulently, they are required to make a detailed note of the circumstances and the badge details and ensure this information is passed to their manager at the end of the shift. By virtue of Section 94 of the TMA 2004 CEOs have the power to inspect blue badges. This applies on-street only and it is an offence to fail to produce a badge when requested to do so by a CEO.

The Disabled Person's Parking Badges Act 2013 enables CEOs and other agents of the issuing authority to inspect AND retain a Blue Badge without Police presence if they have reasonable grounds for, among other things, believing the badge is a fake, has been cancelled, should have been returned, or is being used by someone other than the badge holder.

Where a Blue Badge is displayed but which does not comply with the Blue Badge concession a PCN should be issued, the reason recorded in their supporting evidence, and digital photographs taken of the badge and the vehicle.

Some car parks provide spaces reserved for Blue Badge holders where, subject to the orders applying to the specific car park, Blue Badge holders may park free of charge. It is usually the condition that the badge is correctly and clearly displayed and the time clock set to the time of arrival. Parking is also usually limited to the time limits that apply to the particular car park. PCNs should be issued to any vehicle parked in contravention of these restrictions.

A CEO may, both on- and off-street, come across blue badges or similar issued by non-UK authorities. There are 28 countries* which have a reciprocal agreement with the UK where a standardised 'European Parking Card' is valid in the UK. Each country has its own scheme however, and the badge may differ. The Parking Card and a 'Show Your Rights' card should be displayed on the dash board together with a time clock. In such cases, where such a vehicle is correctly parked a PCN should not be issued.

Other than the 26 European Union countries (plus Norway & Switzerland), other foreign disabled badges are not recognised, and a PCN should be issued in all cases where a contravention is observed unless specific permission has been given by the Council for the use of the foreign badge. In most circumstances foreign disabled permits are 'honoured' for short term visitors but agreement should be in advance.

(*Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland.) **Displaying Pay and Display Tickets**

Pay and Display tickets should be displayed on the vehicle in a conspicuous position on the dashboard, windscreen or the front side windows of the vehicle, so that the details can be easily read by the CEO.

Full instructions for use will be found on the ticket itself or on the pay and display machine. However, if the CEO can read the pay and display ticket, and it is valid, even if it is not displayed in accordance with these provisions, a PCN should not be issued.

More than one pay and display ticket should not be displayed at any one time. If more than one ticket is displayed, then the CEO may issue a PCN. On no account should a second ticket for the same bay be purchased either before or after the first has expired. In these circumstances, a PCN may be issued for 'meter feeding' providing that the required loggings have been made. However, it is not a contravention to display old pay and display tickets relating to different locations or dates and PCNs should not be issued in these circumstances.

Where an incorrect machine has been used, unless there are other mitigating circumstances, the PCN should be enforced. However, in circumstances where the driver has used a nearby machine and the time period purchased does not exceed the maximum time period at the bay in which the driver *actually* parked, the PCN should be cancelled. In these cases, the motorist *has* paid to park legally and the Council has suffered no financial loss. The Adjudicators have mentioned that they do not expect that the motorist should have to tramp the streets to find a correct machine.

Double Parking

The contravention of being parked more than 50cm away from the edge of the carriageway applies when the whole of a vehicle is exceeding that distance and is not wholly within a marked out parking place. CEOs will not serve a PCN for this contravention if:-

- the vehicle is loading or unloading goods for no longer than 20 minutes, and it is not possible to do this without parking more than 50cm away from the edge of the carriageway.
- the vehicle is being used for:
  - any building operation, demolition or excavation,
  - waste collection,
  - removing of obstruction to traffic; road works, signage or lighting,
  - undertaking works (gas, electricity, water or communications services)

  and the vehicle cannot be used without being parked either partly or fully over a dropped kerb then for no longer than is necessary.
- the vehicle is being used to drop off or pick up a passenger.
- the vehicle cannot be moved for a reason beyond the driver's control.

Drink Driving

If a CEO sees someone intoxicated while in charge of a vehicle, or attempting to operate that vehicle, they should call 999 as this may require urgent police action. They should supply the vehicle's registration number and description (including colour and make) and a description of the drink driver and their name and address if known. They should not attempt to physically restrain the individual.

Drive-Aways

If a driver returns to the vehicle while a PCN is being issued but has not yet been served, the CEO may point out that a PCN is being issued, but should not ask the driver to wait for the ticket to be handed to him/her. The driver has no legal obligation to wait for the PCN, and must not be coerced into doing so, and if the vehicle is driven away, the CEO must record this in his supporting evidence, together with a note of any conversation which took place. All drive-away PCNs must be handed to the supervisor at the end of the shift.

The TMA 2004 allows a PCN to be sent by post to the owner of the vehicle in cases where the vehicle has been driven away before the Notice has been properly served (by being placed on the vehicle or handed to the driver). The decision to send the Notice by post will be made by the supervisor or by staff processing PCNs.

Drivers in Vehicles

Where a vehicle is parked in contravention of the restrictions and the driver is sitting in the vehicle, the CEO must ask the driver to move the vehicle and park legally; issuing a PCN only if this request is not met. Requests to move may only be made to drivers in vehicles, not to passengers.

Emergencies

An accident or other emergency may result in a driver being unable to comply with a prohibition of stopping or waiting. Such situations will usually be covered by the exemption in the TRO for a vehicle which is prevented from moving by circumstances beyond the driver's control. The additional exemption covering anything done at the direction of, or with the permission of, a police officer in uniform may also apply in some cases.

Emergency Services

The emergency services are exempt as long as the vehicle is being used in pursuance of their statutory powers or duties. For the purposes of most TROs, emergency services are considered to be

- Police
- Fire and Rescue Service
- Ambulance

If a motorist from the emergency services receives a ticket then proof of their statutory duty will be required. This will normally come via a senior member of staff on a form that they are familiar with using. In addition to the emergency services listed above, there are also public safety response vehicles carrying out broadly similar functions. These are not usually exempt in the TRO, but should not receive PCNs if they are carrying out relevant duties, including:-

- Coastguard Service
- Mine Rescue
- Mountain Rescue

Expired Permits

Permit holders are sent a reminder e-mail (or in some cases a letter) before their permit is due to run out. Regardless of whether a reminder e-mail or letter is received, it is the responsibility of the permit holder to ensure that their permit is renewed, or that other arrangements are made for parking the vehicle. Residents or businesses displaying an expired permit must be issued with a PCN. A Code 19 PCN will be issued for a period of up to 1 month after the date of expiry, after which a Code 12 should be issued.

In West Sussex, permit holders will have up to 7 days (after date of expiry) in which to renew the permit. If the permit is renewed during this period, and a PCN issued during this same period, then this may be considered as mitigating circumstances by the issuing authority.

Flat Battery/Flat Tyre

These will normally be covered by the exemption in the TRO for a vehicle which is prevented from moving by circumstances beyond the driver's control, provided that the vehicle is moved as soon as is reasonably practicable. Where a PCN has been issued and is subsequently challenged, the driver should often be able to supply evidence of roadside assistance or repair/replacement of the item in question.

Footway (Pavement/Verge) Parking

A PCN may be issued for the contravention of parking on the footway or grass verge within a Civil Enforcement Area or Special Enforcement Area if there is an existing restriction (e.g. yellow lines) on the side of the road adjacent to the footway or grass verge. Contravention code 01 applies with an appropriate suffix. There is no provision for a PCN to be issued for this contravention in areas where there are no restrictions already on the road.

In all circumstances the CEO must make a diagram in his/her pocket book showing the position of the vehicle in relation to the footway/verge. A PCN should also be issued to an HGV parked on the footway, which is a separate contravention. The appropriate code for this is 61. For other aspects of this topic, see under "Footway (Pavement/Verge) Parking" in Part 2.

Funerals and Weddings

The Council recognises that weddings and funerals are important occasions and have catered for this in the exemptions. The exemption applies to the funeral hearse or wedding limousine and when in the service of a funeral director or wedding limousines.

WSCC also have put in place an arrangement with the joint councils that if they are notified in advance then arrangements may be made to suspend bays to enable the hearse or wedding limousine to park. A maximum of 20 visitor permits (each providing two hours of parking) can also be issued for a funeral service. A fee is usually charged for the suspension of parking bays, however, in the event of a funeral/wedding the local authority will waive this charge.

Even though it is not an exemption CEOs will not serve PCNs on other official looking vehicles. Any queries or concerns an officer has will be directed to line management who will advise them the next course of action e.g. a vehicle causing an obstruction. Where the Council believe that a blatant disregard to the restrictions is occurring then it may be necessary for a member of the management team to enter in talks with the owners of the vehicles

The way that the TROs are written does not at present cover Civil Partnerships but the same rules should be applied as for weddings.

Garages – Vehicles Left for Attention

Any unattended vehicle left in contravention of the regulations should be issued with a PCN. If the owner is subsequently able to provide evidence that the garage left the vehicle improperly parked without his consent or knowledge, the possibility of following up the PCN with the garage should be considered. In the case of an attended vehicle, the person in charge of it should be asked to move it without delay, and a PCN should issued in the event of failure to do so.

Glaziers

For safety reasons connected with the transportation of glass, glazier's vehicles will often need to be parked close to the premises on which they are working. In

cases where glazier's vehicles are parked adjacent to the premises, CEOs will observe if the glass is of a size e.g. shop window, which would warrant adjacent parking. Glaziers will be exempt from the regulations in these cases. Otherwise, the vehicle should be parked at the nearest applicable parking bay.

Government Departments

Vehicles of government departments and agencies are not, as such, exempt from the provisions of the TMA 2004 but some of these vehicles will be of types for which specific exemptions are written into many TROs. Common examples are vehicles being used by the postal and emergency services, and these are usually liveried. Less commonly, military vehicles may also have specific exemptions under some TROs.

However, consideration may be given to cancelling PCNs issued to government department vehicles, where appropriate evidence is supplied that they were engaged in surveillance or enforcement activities, or in exceptional or emergency situations.

Grace Periods

These are slightly different from observation periods, in that they serve a different purpose, primarily one of offering fairness in enforcement activity. A 10 minute grace period applies in on/off–street parking bays in the following instances:

- at the start of controlled hours when the bay reverts from being uncontrolled to controlled
- upon expiry of a paid for session of parking
- upon expiry of a permitted 'free' period of parking (e.g. a maximum stay)

Grace periods following the expiry of a time period are now mandatory under The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015.

Grace periods do not apply where a vehicle is parked:

- anywhere outside of a parking bay, for example on yellow lines, loading bans, bus stop/stand clearways etc.
- in a permitted parking bay without permission, without a permit or without having made payment (beyond the first 10 minutes of control).

Hazardous Substances

The transport of hazardous substances by road is governed by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 and the police have powers to enforce the relevant provisions. Any CEO who has reason to suspect that a vehicle is carrying a hazardous substance in a dangerous manner or is failing to contain it properly should report the matter to the emergency services without delay. The CEO should not make any attempt to deal with the danger as it requires special training and precautions. Vehicles carrying hazardous substances should display "Hazchem" identification plates with details to assist the emergency services.

Hearses

See under "Funerals and Weddings".

Hire and Lease Agreements

The main difference between a hired vehicle and a leased vehicle is duration. A hire is anything up to 6 months and a lease is 6 months and over. Leasing companies do not have to supply the original agreement and will normally supply

- the name of the person leasing the vehicle
- the address
- the duration of the lease

If there is no reason to doubt what they are saying then the liability will be transferred over and a new NtO served.

A hire company should adhere to The Road Traffic (Owner Liability Regulations) 2000 which require the recording of both the particulars of the person hiring the vehicle and the particulars of the agreement. These details should be supplied. If any particulars are missing then the document does not comply with the requirements. There have been a few authorities who have lost cases at adjudication but as of yet none have reviewed the decision.

Holidays

See under "Bank Holidays and Sunday Enforcement".

Hospital and Other Medical Appointments

Possible mitigating circumstances arise where a PCN has been issued to a person delayed by a hospital or dental appointment. Such cases should be looked at carefully, with advice sought from line management if required. In most circumstances the motorist will be able to provide proof of a delay. It is worth taking into account the type of restriction that applied, so as an example if the contravention occurred where the motorists parking in a 1 hour maximum waiting restriction then this would not normally be accepted.

In cases where the driver of a vehicle is claiming an emergency visit to a hospital, the Penalty Charge Notice should be cancelled provided sufficient details have been provided and the emergency is felt to be genuine.

If the patient was admitted, confirmation should be sought in the form of a letter from the GP or the hospital (this is normally readily available). Similarly, where a driver is visiting a sick relative as an emergency visit, proof of a similar nature should be sought. It is important to ensure that the date(s) of the hospital visits/stay cover the date on which the Penalty Charge Notice was issued. If there is a discrepancy, the ticket should not be cancelled.

Where there is a pre-arranged appointment and the driver is claiming that he was delayed in returning to the vehicle, the Penalty Charge Notice should be

upheld, unless an emergency had developed during the appointment, in which case further evidence should be requested.

Hours of Enforcement

Enforcement will be carried out during the hours of control, which vary according to the restriction. More information regarding the hours of control in specific areas will be shown on the entry plates to controlled parking zones or on separate plates adjacent to the restrictions.

Limited Waiting Bays

Limited waiting bays provide for a waiting time limited to that displayed on the signs and may include a no return to the parking place, street, or area within a time also displayed on the sign.

PCNs may be served to vehicles parked for longer than the maximum period permitted, provided the mandatory 10 minute grace period has been observed, and for those returning within the no return period. In both cases the correct observations must be carried out and the CEO must complete notes that show the times of the logging , valve positions and observations e.g. whether or not a blue badge was displayed or if loading/unloading was seen at each logging.

Lines and Signs

Before any PCN is issued, the CEO must be satisfied that the required lines and signs are present and are not incomplete or obscured. Where a restriction should be signed, and the sign is missing, a PCN must not be issued. The CEO must report the defect at the end of the shift for remedial action to be taken.

Where a line on the highway is substantially obscured or missing, or termination markings are not present where required, the same reporting action as for missing signs (above) must be taken. However, it is possible to issue a PCN where termination markings are missing, providing that it does not detract from the overall legality of the marking, e.g. if there is a long length of yellow line and the vehicle is parked in the middle. In this situation it is apparent that the yellow line restriction applies.

If there are small lengths of yellow lines missing (less than the length of ½ a small car), the CEO should issue a PCN, and report the defective section. If a vehicle is either fully contained in the missing section, or more than ½ the vehicle is contained in the missing section, a PCN should not be issued.

Liveried Royal Mail and other Universal Services Providers

TROs contain an exemption for "universal service providers", covering vehicles carrying out duties as defined in the Postal Services Act 2000 (engaged in the delivery or collection of postal packets to or from post boxes and business premises) and therefore such vehicles are exempted whilst carrying out these activities. They will usually be liveried vehicles.

Loading/Unloading Guidelines

Except where a loading ban is indicated by time plates and yellow kerb markings, vehicles may wait on single or double yellow lines for the purpose of loading and unloading, provided that it is impractical to conduct these activities elsewhere.

However, there is no right to park and under normal conditions an illegally parked and unattended vehicle would be observed for a reasonable amount of time so that a CEO could state that no active loading or unloading was taking place. In such cases a PCN may be issued.

Loading and unloading activity should be continuous and vehicles should not be left unattended other than for the purpose of loading/unloading. Vehicles must be parked near to the premises being serviced (but not necessarily directly adjacent) and it must be reasonably necessary to park there in order for the activity to be carried out.

Where loading and unloading is not prohibited a CEO will apply a 5-minute observation time (10 minutes for a commercial vehicle) in order to ascertain whether or not loading/unloading is taking place. If during these periods no activity is noted, the CEO will assume the vehicle is not involved in any loading or unloading activity.

Loading/unloading may be allowed for commercial purposes (in the case of deliveries and collections, the goods involved do not have to be heavy or bulky), or if the items being loaded or unloaded are not easily portable. Loading/unloading may also be allowed for private individuals when collecting heavy or bulky items that have already been purchased or when moving such items that are already in their possession. However, it cannot be allowed for shopping activities as such.

If a PCN is issued and the driver returns and claims to be loading or unloading, the CEO should advise the driver to write to the Council at the address shown on the back of the PCN and include evidence of the loading or unloading (invoice, delivery note, sales bill, receipt, witness statement etc).

Loading and unloading is **permitted**:

- In permitted parking bays.
- On single or double yellow lines.
- In loading bays.
- In limited waiting bays.

Loading and unloading is **not permitted**:

- At bus stops, taxi ranks, on clearways where stopping is prohibited, in doctor/hospital/ambulance bays.
- Where time plates and kerb markings indicate loading restrictions.
- On school zigzag markings.
- In suspended bays.

See also Appendix 5 for relevant case law.

Lost Keys

Where it is claimed that car keys have been lost, stolen or locked in a vehicle, consideration may be given to cancelling a PCN upon the production of supporting evidence from the police, motoring organisations or garages.

Maximum Size of Vehicle

There is no maximum height or length of vehicle which may park in a bay on-street, although there are height restrictions in most car parks. Nevertheless, all vehicles parked on-street must park wholly within the bay markings. CEOs should issue PCNs to vehicles which do not comply. If a CEO sees a vehicle which does not fit into the bay, but which is displaying a permit, he/she should report this to base to confirm the validity of the permit.

Motorcycle Parking

Within a RPS, motorcycles will be allowed to park in a permit, shared use or pay and display bay without the need to purchase or display a permit, voucher or pay and display ticket and without time limit. This provision does not apply to other restrictions (e.g. yellow lines) and PCNs should be issued to motorcycles parked in these circumstances.

Obscured/Incorrectly Validated Permits

If a parking permit is not clearly displayed in a vehicle, and it cannot be read, a PCN should be issued. The CEO should make a note in his/her pocket book about the obscured section of the permit and ensure that the appropriate photograph is taken.

A PCN must not be issued even if the permit is not displayed in accordance with the regulations, but can nevertheless be clearly seen and all the details read. However, it might be appropriate to issue a warning notice advising the driver on the correct display for future reference.

Visitor permits may also be obtained by residents and must be correctly validated. Where a visitor permit has been incorrectly validated, that is with more than one day/date/year field scratched off, with no date entered or without today's date, or the vehicle number has been altered or entered incorrectly, a PCN will be issued. Under these circumstances a code 19 (lower band charge for a lesser contravention) should be issued.

Some vouchers require user input, and in cases where the wrong date either side of the correct date is filled in (e.g. if today's date is Tues 15 but Mon 14 or Wed 16 (or combination) is shown) then code 19 applies. However, if Sun 13 or Thurs 17 (or combination) is shown then code 12 (high band charge for a more serious contravention) should be issued.

However, if the alteration or error is minor (e.g. one digit or letter of the vehicle is shown incorrectly or has been altered), or where only part of a day/date or

year has been scratched off, a PCN should not be issued providing that the CEO is satisfied that there is no deliberate attempt to use the permit fraudulently.

If the permit on display is not valid for that bay, for example, a permit is on display for a different zone to which they are parked; then a code 12 should be used for this contravention.

Observation Periods

When a vehicle is parked in contravention of the regulations, and depending upon the type of restriction, the CEO will observe the vehicle for a certain period of time before issuing a PCN. This observation period is primarily designed to ensure that the vehicle is not engaged in an exempt activity, such as loading or unloading.

On-street observation periods vary between nil and 10 minutes, depending on the vehicle and type of restriction, and are set out in Appendix 2. Off-street observation periods are 10 minutes or as specified in the local TRO.

Overheating

See under "Breakdowns".

Overseas Registered Vehicles

If a PCN is served to an overseas registered vehicle then the CEO will indicate this in the hand-held by pressing a button. This action will stop the case progressing. The DVLA have given enforcement authorities clear instructions that they should not send these registrations to them as they will not have the ownership details and it could lead them to give out data that is not necessarily for that vehicle. This came to light as the Romanian VRM is the same format as the current UK format.

However if ownership details can be obtained by other robust means then the notice can be pursued. Examples of this would be

- If an application has been made for a permit or
- If the vehicle has been removed

If the owner's address is overseas then statutory notices can be served but the case cannot proceed to debt registration.

Parking Outside Bay Markings

A PCN may be served to a vehicle which is one third or more out of the bay. However they may be circumstances when a PCN may be served for this contravention if less than one third is protruding e.g.

- A large vehicle overhanging
- Vehicle parked in a dangerous or obstructive manner

Pay and Display Machine Faults

If a pay and display machine is found to be faulty it is usually the driver's responsibility to look (within a reasonable distance) for an alternative machine from which to purchase a Pay and Display ticket, providing that the alternative machine is situated in the same road or car park..

In the event that the Pay and Display machine is marked as 'out of order' and there are no alternative payment points in that road/car park, a PCN cannot be served and a vehicle will be allowed to park until the machine is repaired and then for the maximum parking duration of the bay.

Pay and Display: Expired Time

If a PCN is served for expired time, full details of the pay and display ticket must be recorded, including the time or arrival, the amount paid, the expiry time, and the degree of penalty time.

CEOs may also serve a PCN for 'meter-feeding', e.g. where a driver has purchased a second pay and display ticket shortly before or after expiry of the first, with the intention of prolonging the period of time originally purchased (this is subject to the relevant provision being in the TROs).

However, some drivers do make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets that have been issued within 5 minutes of each other (both for the same day and bay), a PCN should not be issued. In these cases, the total amount of time shown on the pay and display tickets will be allowed, i.e. if both tickets show that 30 minutes has been purchased, the driver will be allowed not more than one hours parking, excluding any appropriate mandatory grace period, subject to any stay not exceeding the maximum time permitted.

Pedestrian Crossings

If a vehicle is parked on a pedestrian crossing or crossing area marked by white zig-zags the CEO will serve a PCN to the vehicle. Parking on Zig Zags is also a matter for the police who can serve a Fixed Penalty Notice (FPN). Civil Enforcement Officers have no powers to remove a FPN from a vehicle, even if it's just to check it and as such are required to serve a penalty charge notice. The white Zig Zag applies to the carriageway but does not go to the back of the highway.

Photographs

When a CEO issues a PCN to a vehicle, photographs of the contravention must be taken. More may be taken as required. These photographs should show –

- The front of the vehicle and the number plate.
- The windscreen of the vehicle (showing whether or not there are any permits/badges displayed).
- A close-up of any badge/permit that is expired or incorrectly displayed, so that the details may be seen from the photograph.
- The immediate surrounding area in which the vehicle is parked, with signs and lines (where applicable), sufficient to identify that the contravention has occurred.
- The PCN attached to the windscreen of the vehicle.

Ideally, each sequence of photographs should begin and end with a photograph of the vehicle number plate. The first photograph must show the front plate and

the last photograph must show the rear number plate. However, this may not be possible in all situations. If the CEO is unable to take photographs for any reason (faulty camera, vehicle driven away for example) an explanatory note should be made in the pocket book.

Picking Up/Dropping Off Passengers

Motorists may stop to pick up or drop off passengers on yellow lines, or in any parking bay. It is generally accepted that the maximum time allowed for this activity is about 2 minutes in the case of able-bodied passengers but there may be exceptions to this rule if the motorist must accompany a child (for example at a school gate) or elderly/disabled person away from the vehicle, or if there is luggage to be set down and the 2 minute rule should not be applied rigorously in these circumstances. A PCN should not be issued where it is obvious that this activity is taking place. In most cases, a CEO will issue a PCN to a vehicle that is contravening the regulations and where the driver is absent.

Prevention of Service of a PCN

When a CEO has been physically or verbally threatened and prevented from issuing a PCN the CEO, on return to base, must complete a witness statement, detailing the incident. Any details of police assistance or assistance from colleagues must also be included to assist with pursuing the PCN.

The CEO, on completing the witness statement, must pass these details and PCN to their Supervisor for processing. The PCN details will be added to the system and a postal PCN may be sent to the owner of the vehicle.

Public Assistance

CEOs should be helpful and courteous to the public at all times and be prepared to answer questions, offer advice and give directional instructions when requested. All CEOs must understand the importance of their actions and the way they speak to members of the public and the reflection this has on the image of the Council in the eyes of the public.

If a CEO is witness to any form of accident or emergency situation he/she should immediately offer his/her services in assistance and, until other emergency services arrive, stay in attendance acting as a communications link. In the absence of the police or any other emergency officer they should take the initiative at the incident and do his/her best to help minimise problems. In these circumstances, the CEO must keep the operational base informed of the situation at all times and the action taken.

Registered Keeper

The person or organisation recorded at Driver and Vehicle Licensing Agency as being the keeper of a vehicle. Under the concept of "owner liability", Councils may assume that the registered keeper is also the owner of the vehicle for the purposes of enforcement, unless there is clear evidence to the contrary or this presumption is rebutted by the registered keeper.

Reporting

Whilst on patrol, CEOs are required to carry out various reporting functions. In addition to reporting problems with lines and signs and faulty pay and display machines, CEOs may also be required to take details of the following, and report back to their base –

- Graffiti
- Skips that do not have a suspension in place
- Overhanging foliage
- Abandoned vehicles
- Animals and children left in cars (especially in extreme weather)
- Problems with street furniture
- Faulty pay and display machines
- Car park defects
- Building materials left in the road or on the footway
- Environmental crime such as littering, fly tipping or dog fouling to the Environmental Enforcement Team

Further information about exact reporting requirements will be advised locally.

Requests for Enforcement

From time to time, individual CEOs may be approached by members of the public requesting enforcement of a particular restriction. Where a CEO is approached whilst patrolling an area, providing that the request relates to a neighbouring road or the same road and will not involve the CEO leaving the allocated beat, the officer should comply with the request. If the request will mean that the CEO will have to travel a considerable distance or leave the allocated beat, the CEO should relay the request to base for further instruction.

Running out of Petrol

See under "Breakdowns".

Scaffolders

Scaffolders are generally exempt from parking restrictions where scaffolding is being erected or dismantled, i.e. whilst loading and unloading equipment from the vehicle and erecting/dismantling the scaffold. CEOs will issue a PCN to vehicles that are not engaged in actively loading/unloading or constructing/dismantling scaffolding, essential work, or covered by a permit/waiver/dispensation.

Schools

CEOs will observe vehicles parked in parking bays adjacent to schools. If these vehicles are not causing an obstruction then the CEO will allow a period of observation before issuing a PCN. This period should be long enough to ensure that children can be taken safely to the school premises, so under normal circumstances at least 10 minutes should suffice. (An obstruction is defined as a

full or partial blocking of the footway or line of sight for vehicles turning into junctions).

This observation time is only applicable during the time of day at which children are picked up and dropped off. Vehicles must not be causing an obstruction or present an inconvenience or danger to other road users, including pedestrians and cyclists. In practice this will allow parents time to pick up or drop off their children. At all other times, normal regulations apply.

This concession does not apply to vehicles parked on yellow lines, school zigzag markings (but see note below), or where loading restrictions are in force. The Council may make separate arrangements with individual schools where there are particular problems or requirements and these will be advised separately.

School Zigzags

The TSRGD 2016 attempted to remove a previous requirement for school zigzag markings to be supported by a TRO for enforcement purposes. Unfortunately, a drafting error in the document has led to a situation where the DfT have advised that the TROs should still be retained (pending correction of the error) as far as civil enforcement is concerned.

The yellow school zigzags are placed outside schools for the safety of children, and will be enforced during term time and within specified hours at the beginning and end of the day. It is a contravention to stop on the zigzag area. As such, there will be no period of observation before the issue of a PCN to any vehicle that is stationary on the zigzags outside of a school. This includes school coaches.

From time to time, CEOs may be asked to maintain a presence at schools where there are particular problems with vehicles parked during drop off and pick up times. This will be defined by the Council if required.

Second & Subsequent PCNs

Legally, a vehicle may only receive one PCN for a contravention committed by a single act of parking on a particular day. However, midnight is treated as the cut-off point for that day and therefore, if a vehicle is left overnight, a second PCN can be served the following day if it is still parked in contravention.

If a vehicle is parked in contravention for more than one day, and has already received one PCN, a second PCN may be served the next day, and the vehicle reported to a supervisor. If the vehicle continues to be parked in contravention for a third day, a third PCN should not be issued without the permission of the supervisor or manager. If the CEO believes that after 3 PCNs that the vehicle has not moved and is abandoned then this should be reported immediately.

The Guidance states:-

"A vehicle may be parked in contravention of more than one restriction. For example, it may be parked partly on a yellow line and partly in a marked bay with an inadequate parking ticket. In these circumstances the CEO should issue only one PCN. CEOs should be instructed on which contravention takes

precedence. 8.46 If two or more PCNs are issued within 24 hours for the same contravention, that is, to a vehicle that has not been moved, it is current practice to cancel the second PCN. It may be sensible to review both PCNs and cancel the one with the least robust evidence. For instance, if the digital photograph for one was taken in the daytime and the other at night, the one taken in the light may well be clearer. If one PCN is at the higher rate and the other at the lower rate, the lower rate PCN should normally be considered first for cancellation."

Shopping

See under "Loading/Unloading Guidelines".

Skip Licences

A company providing the skip must apply for a suspension of any relevant bay through the Council prior to a skip licence being issued. If a CEO sees a skip but there is no suspension in place, this must be reported to base immediately.

Snow, Leaves, Frost

Weather conditions may mean that a CEO is not able to issue a PCN on some occasions. If lines on the road are obscured by snow or leaves and are not visible, a PCN cannot be issued. The CEO should make a note to this effect in the supporting evidence.

If a vehicle windscreen is covered by snow or frost, the CEO is not permitted to clear the windscreen, but must make a note in the supporting evidence. A PCN may only be issued if the lines are clear and the restriction is such that even if the vehicle was displaying a permit or a Blue Badge, it would not be permitted to park (e.g. 02 contravention).

Statutory Undertakers (Utilities)

There is an exemption for liveried vehicles being used in the service of gas, electricity, telecommunications or water companies. These vehicles will not be issued with a PCN in the following circumstances –

- If the vehicle is being used in direct connection with works on the highway.
- If the vehicle is being used in connection with an emergency situation (water leak, gas escape etc.).

The company will often arrange for a suspension if works are to be carried out, but this is not always possible, especially in an emergency situation. If the vehicle is being used to deal with an emergency, it must be moved once the emergency has been dealt with, and the vehicle is not exempt for normal routine activities, such as inspections or servicing.

CEOs will also issue a PCN where it is obvious that the vehicle is not actually being used in connection with work taking place on the highway. Statutory undertaker's vehicles often display signs stating that emergency works are being

undertaken. This is not in itself an indication that the vehicle is exempt, and if the CEO is not satisfied that the vehicle is exempt, a PCN should be issued.

Suffixes

The tables of penalty charge codes shown in Appendix 3 show each code as a two digit number together with a general description of the contravention. Also listed are the suffixes that may be used with many of the codes to provide more detail, such as the type of bay concerned. These suffixes consist of single alphabetic characters and are each defined at the end of the tables. Where an appropriate suffix is shown, it should be used: for instance "30p" would indicate parked for longer than permitted (Code 30) while in a pay and display bay (suffix p).

Supporting Evidence

Supporting evidence may be recorded either in a pocket book or on an HHC, at the discretion of each council. The requirement to take photographs does not replace the requirements shown below in respect of supporting evidence. The Council requires both forms of evidence to support the issue of a PCN. As a minimum, descriptive entries are to be made under the following circumstances:-

- Whenever there is any verbal or visual contact with the driver of the vehicle a summary of the event should be written down together with a brief description of the driver.
- Whenever there is any verbal contact with a vehicle's passenger or other member of the public a summary of the conversation should be recorded.
- Whenever a vehicle is driven off whilst a PCN is being issued.
- Whenever there is any verbal abuse or threatening behaviour (whether or not a PCN was actually served).
- In situations where the criteria for determining a contravention are marginal.
- Where a PCN is issued for the contraventions of being parked outside of the bay markings or parked on the footway. In this case, the descriptive entry must indicate approximate dimensions and a sketch/diagram.
- Whenever a note or notice has been left on the vehicle. The exact wording of the message should be recorded and a photograph of the note taken if possible.
- Whenever a vehicle appears to be in an abandoned or vandalised state a description should be noted and a photograph should be taken.
- Whenever there appear to be suspicious circumstances associated with the vehicle or its location.

Suspension Procedures

Suspensions may be arranged for –

- House or office removals.
- Funerals or weddings.

- Essential work on the highway.
- Essential deliveries (e.g. building materials.
- The placement of skips.
- Special events.
- Filming.
- Facilitating the movement of traffic or safety reasons.

Although many suspensions are arranged in advance, they may also need to be arranged at short notice, in the case of emergency works for example. Once a suspension has been authorised, warning notices and signs will need to be put into place (normally 3 days prior to the suspension taking place). The sign must state the following –

- Dates between which the suspension will be in force.
- Exact location of the suspension.
- Purpose of the suspension.

If this information is missing, or a sign is not in place, a PCN cannot be issued. Unauthorised vehicles parked on the notified suspensions will be issued with a PCN. This provision also applies to householders who have arranged a suspension for removals or work on the property, as the suspension does not permit the householder to park his vehicle there. The CEO must make notes or take photographs which show the position of the suspension sign in relation to the vehicle and confirm that the suspension was in force at the time.

Taxis and Mini Cabs

In legal terms, taxis are licensed as "Hackney Carriages" while mini cabs are licensed as "private hire vehicles". The main practical difference between the two is that a taxi is allowed to use taxi ranks and ply for hire from the carriageway while a mini cab can only pick up pre booked passengers. Taxi drivers do not have to stay with the vehicle as it is deemed to be their place of work and as such they are allowed to leave the taxi to go to the toilet.

Traffic Regulation Orders

Although the TMA 2004 gives WSCC, together with the Boroughs and Districts, the powers to enforce decriminalised parking restrictions, these restrictions are subject to the provisions of local TROs. Under the Road Traffic Regulation Act 1984, WSCC is authorised to make on-street TROs and also Orders for car parks. The Boroughs and Districts also have powers to make for car parks, subject to the consent of WSCC as Highway Authority. These Orders determine where and how vehicles can park, together with the charges and the contraventions that apply. This gives the Councils the legal authority to issue PCNs where a contravention occurs.

Each TRO will consist of 2 parts, the articles and the schedules. The articles give details of the restrictions relating to the bays or lines, what is and is not permitted, exemptions, permit rules and charges. The schedules detail all the locations that are covered by the articles. The exemptions contained in the

articles are particularly important and further information on them is given in this document.

For on-street parking, WSCC uses map-based schedules with numbered and dated plans. These take the place of the traditional text-based schedules and show the restrictions as colour-coded and/or patterned items drawn on a set of Ordnance Survey base maps. For each Borough and District, WSCC makes a single consolidated base Order containing all the current restrictions at a given time. As needs arise, amendments are made to that base Order by the insertion of new plans or the replacement of existing ones. Every time an Order is sealed, a copy is sent to the Borough or District to enforce. A copy is also sent to the Traffic Penalty Tribunal for the reference library on their web site.

It is vital that the TRO's are as up to date as possible, as WSCC will not advocate enforcing a road if there is no provision to do so in the relevant TRO. The TMA Guidance urges Councils to make sure that their TROs, lines and signs are all in good order, and to ensure that irregularities are rectified promptly. The Boroughs and Districts, through their CEOs, play a key role in this respect by checking that appropriate signs and lines are in place when PCNs are issued. This is vital for upholding the required standards. Only authorised markings and signs may be used and these can be found in the Traffic Signs Regulations and General Directions 2016.

The following list indicates the types of restrictions and bays that WSCC may introduce when considering on-street parking controls.

- No waiting or loading restrictions (yellow lines)
- School Keep Clears
- Loading bays
- Vehicle specific bays (Motorcycle bays, taxi bays, goods vehicle only bays)
- Permit holder bays
- Free limited waiting bays
- Pay and display bays/Shared use bays
- Disabled bays

Although both WSCC and the Boroughs and Districts have powers to make Orders for car parks, this is mostly done by the Boroughs and Districts.

Vehicle Definitions (Including Definition of "Goods")

Road traffic legislation does not generally define the term "vehicle" as its basic meaning of "anything used for transporting people or goods" is sufficiently clear**.**

However, vehicles can be legally divided into two broad classes: passenger-carrying vehicles and goods vehicles. Passenger-carrying vehicles are those constructed or adapted for carrying people, while goods vehicles are those constructed or adapted for carrying goods. "Constructed or adapted" refers to the permanent nature of the vehicle and not to temporary alterations such as the removal of rear seats.

"Goods" is only defined in broad outline in the legislation, and usually as "goods or burden of any description". Clearly, the intention is to make the meaning as wide as possible. In particular there is no definition of size and, because postal packets are normally included, the implication is that goods can be small if they are being handled in the course of a delivery round.

There is no requirement in the Traffic Regulation Orders that what is to be loaded or unloaded must be goods of any specific nature. Shopping may be classed as goods. The loading exemption does not cover choosing the goods i.e. the process of shopping, but it would apply while the goods are being put into a car, if they are too heavy or bulky to be carried away and loaded elsewhere.

"Motor vehicles" are defined as being mechanically propelled, so that pedal cycles and trailers are "vehicles" but not "motor vehicles". Care needs to be taken over the wording of parking place orders because a restriction on "motor vehicles" will not apply to trailers unless it is clearly stated that they are included.

Some of these terms, such as "goods vehicle" may sometimes be given special local definitions based on matters such as vehicle weight. Where such definitions apply, they will be written into the relevant TRO and will override the definitions given here.

Waivers/Dispensations

These will be available from the Council and allow commercial vehicles and trades people to park –

- In permit holder and shared use bays
- Pay and display bays
- On yellow lines

They are not valid in taxi ranks, disabled bays or loading bays.

They may be issued to allow drivers easy access to their tools and equipment or where the vehicle itself is necessary for the works taking place (i.e. as a mobile power source for other equipment).

To obtain a dispensation, the driver of the vehicle must demonstrate the nature of the work; that the vehicle is necessary for the work and there is no alternative place for it to park; or that it cannot use resident visitor vouchers.

The vehicle must display a waiver form in the windscreen, which will contain details of the registration number, date and time(s) to which the waiver relates and the location. Any vehicle not parked in accordance with the terms of the waiver (e.g. in the wrong location) should be issued with a PCN.

Warning Notices

Warning notices are not normally issued, other than, for example, a lead-in period for new CPZs, where CPE is being introduced for the first time, or if a new contravention code is introduced.

Notices may occasionally be used to advise a driver that he has parked in contravention of the restrictions and that a PCN may have been issued. They can also be used in the following circumstances.

- Vehicle displaying an out of date resident permit – warning notices will be issued for a period of 7 days from the date of the expired permit.
- Vehicle displaying a permit which can be read, but is not in the correct position.

Further information and guidance regarding the issue of warning notices will be determined locally and there may be other circumstances in which the use of a warning notice is considered appropriate.

Weddings

See under "Funerals and Weddings".

Window Cleaners

The Council recognises that window cleaners are carrying out an essential local service. Accordingly, vehicles belonging to window cleaners actively engaged in cleaning windows will be exempt and may park for as long as necessary to carry out their duties.

CEOs will identify such vehicles either from their livery, or from notices placed in the vehicles. If a notice has been placed in vehicle the CEO will need to be able that window cleaning is being undertaken otherwise a PCN can be served. In these circumstances, a PCN will not be served if the vehicle is parked in the following circumstances:

- in a permit holder, voucher bay.
- in a pay and display or limited waiting bay.

APPENDIX 1

ABBREVIATIONS AND TERMS USED IN PARKING

Adjudication, Adjudicators, Appeals

Adjudication is the second and final statutory opportunity for a motorist to contest a Penalty Charge Notice, through an appeal to an independent Parking Adjudicator. All Adjudicators must have been in legal practice for at least five years, e.g. a solicitor or barrister.

A motorist may only appeal after the Council which issued the Penalty Charge Notice has rejected a formal representation and appeals may only made on certain, specified grounds.

Cancellation

This is the action taken by the Council to cancel a Penalty Charge Notice.

Certificated Enforcement Agent

An enforcement agent (formerly known as a bailiff) authorised to recover parking debt.

Charge Certificate (CC)

A notice issued to motorists who have received a Penalty Charge Notice and subsequent Notice to Owner but have not paid within the statutory time limits. A Charge Certificate increases the full penalty charge by 50% and requires payment within 14 days of service if registration of the debt is to be avoided.

Civil Enforcement Officer (CEO)

An officer engaged by a local authority to issue Penalty Charge Notices under the Traffic Management Act 2004. Civil Enforcement Officers may be employed direct by the Council or through a specialist contractor.

Contravention

A failure by a motorist to comply with parking controls in a Civil Enforcement Area.

Debt Registration

The process of recording a parking debt with the Traffic Enforcement Centre at the County Court, no fewer than fourteen days after the service of a Charge Certificate and where the penalty charge due has not been paid. The registration of debt is an automated process and there is no right of personal representation during this process.

Designated Parking Bays

Bays designated by a TRO for specified types of parking, e.g. free parking, meter parking, resident permit or disabled badge holder parking. These are usually denoted by white boxes on the carriageway.

Discount Rate

A reduction in the penalty charge due if the Penalty Charge Notice is paid within 14 days of the date of issue. The discount rate of 50% of the full charge was determined originally by the Parking Committee for London (now London Councils) and this principle has now been embraced by non-London local authorities and is contained within their individual CEA Designation Orders. However, the discount rate is not automatically guaranteed to remain at 50% and could be liable to change in the future. ***Note: West Sussex County Council policy is that the discounted rate will be re-offered following rejection of a first or second stage representation.***

Exemptions

Exemptions apply primarily to yellow lines and to the functions of loading, unloading and the picking up and setting down of passengers and their luggage. Certain classes of vehicle may be granted exemption from certain parking controls as detailed in a local authority's TRO, for example statutory undertakers when on operational duties and others, for example hearses and removal lorries. For full details of restrictions and their respective exemptions refer to the TRO for precise information.

False Statement

It is a criminal offence to "knowingly and wilfully" make an untrue statement in connection with an appeal to a Parking Adjudicator and at other stages in the enforcement process. Persons committing such offences risk conviction and a fine.

FOAM (Fast Online Appeal Management)

An internet-based facility provided by the TPT to give a simpler, quicker and more efficient way of making, managing and determining appeals against PCNs.

Hand Held Computer (HHC)

A small, hand held computer that can be used to register parking contraventions and to print the subsequent Penalty Charge Notice. The HHC may contain an integral printer and also digital camera and even sound recording capabilities.

Hire Vehicles

Vehicles are normally hired under an agreement which conforms with The Road Traffic (Owner Liability) Regulations 2000. This transfers liability for any Penalty Charge Notice (and other contraventions or offences) from the hire company, as the owner of the vehicle, to the hirer of the vehicle.

Loading Bay

A specific bay, bounded by white markings and signed to permit loading and unloading by goods vehicles. Waiting and parking is not permitted within these bays.

Notice of Acceptance (NOA)

A letter issued by a Council to a motorist following their formal representation against a Notice to Owner indicating that this representation has been accepted.

Notice of Appeal (NoA)

The form which must be issued to a motorist along with a Notice of Rejection and which opens up the motorist's right to appeal to an independent Parking Adjudicator.

Parking Adjudicator

An independent solicitor or barrister of at least five years professional standing, appointed to consider appeals against Penalty Charge Notices issued under the terms of the TMA 2004.

Parking Bay

An individual bay within a parking place that is provided for the leaving of a vehicle upon payment, or display of a permit or voucher as required.

Registered Keeper

The person or organisation recorded at Driver and Vehicle Licensing Agency as being the keeper of a vehicle. Under the concept of "owner liability", Councils may assume that the registered keeper is also the owner of the vehicle for the purposes of enforcement, unless there is clear evidence to the contrary or this presumption is rebutted by the registered keeper.

Statement of Liability

Part of the agreement signed by the hirer of a vehicle accepting that the hirer accepts liability, as if he were the owner, in respect of Penalty Charge Notices issued to the vehicle during the hire period. A hire agreement must contain the particulars required by the Road Traffic (Owner Liability) Regulations 2000 to enable the hire company to transfer liability in this fashion.

Traffic Enforcement Centre (TEC)

The TEC was established for the purpose of allowing local authorities and other public bodies to enforce unpaid penalty charge notices. It is attached to Northampton County Court Bulk Centre and can authorise the local authority to prepare the Order for Recovery (Form TE3) of unpaid penalty charges. The TEC also processes all statutory declarations and witness statements and where necessary produces Notices of Revocation. It can also authorise the issue of a warrant of control.

Traffic Penalty Tribunal (TPT)

An independent tribunal which provides an adjudication service in respect of Penalty Charge Notices issued in England and Wales (outside London) under the terms of the TMA 2004.

Traffic Regulation Order (TRO)

An official order made by a local authority under the Road Traffic Regulation Act 1984 and which details the nature and extent of parking controls within the Council's area. It is a contravention of these controls as detailed in a TRO that may give rise to the issuing of a Penalty Charge Notice.

Waivers

An agreement to allow a vehicle to park in a restricted area, without penalty, for an agreed duration and without the need to pay any initial parking charge. Waivers are

also called dispensations and are issued by or on behalf of the Council and an administrative charge may be made for this service. Dispensations are typically granted in limited circumstances where alternative provision cannot be made, for example to enable works to take place at adjacent premises or for essential deliveries which will take longer than the maximum time permitted.

Warrant of Control

Authority issued by the county court to enforce an unpaid debt, following registration at the TEC. Warrants must be in the possession of a certificated enforcement agent when attempts are made to recover the debt.

APPENDIX 2

The observation times are summarised in the table below:-

Type of Restriction	**Observation Period**
Waiting (Single/double yellow line)	5 minutes — private car or private light goods 10 minutes – commercial vehicle
Active loading restriction	Nil
Parked on zigzags	Nil
Bus stop clearway	Nil
Pedestrian Zone	Nil
Misuse of disabled badge	Nil
Off–street Car Parks	10 minutes for expired pay and display ticket only. Please see local parking order or house sign for terms and conditions
Shared use bay – no initial payment	Private car - 5 minutes
Residents bay	Private car - 5 minutes
Free bay	Private car - 5 minutes after expiry of time limit
Loading bays	Private car - 5 minutes Commercial vehicle - 10 minutes
Pay and display (P&D) bay – no initial payment	5 minutes
P&D bay (feeding contravention)	Nil
P&D bay (returning within the no return period)	Nil
P&D bay (expiry of time)	Varies – to be advised locally
Incorrect class of vehicle	Nil
Any other breach of parking regulations	5 minutes subject to TROs
Schools (Parking Bays adjacent to schools Term time only Peak time only)	10 mins

NB. If active loading is witnessed during the observation period (in a location where loading is permitted) then up to 30 minutes should be allowed or longer if necessary.

APPENDIX 3

Standard PCN Codes v6.7.6 (Dec 2017)
On-Street

Code	General suffix(es)	Description	Diff. level	Notes
01	aoyz	Parked in a restricted street during prescribed hours	Higher	Suffixes y & z for disabled badge holders only
02	ao	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	Higher	
04	cs	Parked in a meter bay when penalty time is indicated	Lower	
05	cpsuv1	Parked after the expiry of paid for time	Lower	
06	cipv1	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	
07	cmprsuv	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	c	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09	ps	Parked displaying multiple pay & display tickets where prohibited	Lower	
10	p	Parked without clearly displaying two valid pay and display tickets when required	Lower	"two" may be varied to another number or "multiple".
11	gu	Parked without payment of the parking charge	Lower	
12	rstuwy4	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	Higher	
13		- - - - RESERVED FOR TfL USE (LOW EMISSION ZONE) - - - -	n/a	
14	89	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	bdehqstwxyz4569	Parked in a permit space or zone without clearly displaying a valid permit	Higher	Suffix "s" only for use where bay is completely non-resident
17		- - - - RESERVED FOR ROAD USER CHARGING USE - - - -	n/a	
18	bcdefhmprsv12356789	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	irsuwxyz4	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	Lower	
20		Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher	
21	bcdefghlmnpqrsuv1256789	Parked wholly or partly in a suspended bay or space	Higher	
22	cflmnopsv1289	Re-parked in the same parking place or zone within one hour after leaving	Lower	"one hour" may be varied to another time period or "the prescribed time period"
23	bcdefghklprsv123789	Parked in a parking place or area not designated for that class of vehicle	Higher	Suffix required to fully describe contravention
24	bcdefhlmpqrsv1256789	Not parked correctly within the markings of the bay or space	Lower	
25	n2	Parked in a loading place or bay during restricted hours without loading	Higher	On-street loading bay or place
26	n	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Higher	"50 cm" may be varied to another distance in Scotland.
27	no	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher	
28	no	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher	
30	cflmnopsu12789	Parked for longer than permitted	Lower	
31	j	Entering and stopping in a box junction when prohibited	n/a	London only

32	jdtw	Failing to drive in the direction shown by the arrow on a blue sign	n/a	Code-specific suffixes apply. London only
33	jbcefghikqrs	Using a route restricted to certain vehicles	n/a	Code-specific suffixes apply. London only
34	j0	Being in a bus lane	n/a	
35		Parked in a disc parking place without clearly displaying a valid disc	Lower	
37	j	Failing to give way to oncoming vehicles	n/a	London only
38	jlr	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign	n/a	Code-specific suffixes apply. London only
40	n	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41		Stopped in a parking place designated for diplomatic vehicles	Higher	
42		Parked in a parking place designated for police vehicles	Higher	
43		Stopped on a cycle docking station parking place	Higher	
45	nw	Stopped on a taxi rank	Higher	"stopped" may be varied to "waiting"
46	n	Stopped where prohibited (on a red route or clearway)	Higher	
47	jn	Stopped on a restricted bus stop or stand	Higher	
48	j	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher	CCTV can be used on a restricted area outside a school only
49		Parked wholly or partly on a cycle track or lane	Higher	
50	jlru	Performing a prohibited turn	n/a	Code-specific suffixes apply. London only
51	j	Failing to comply with a no entry restriction	n/a	London only
52	jgmsvx	Failing to comply with a prohibition on certain types of vehicle	n/a	Code-specific suffixes apply. London only
53	j	Failing to comply with a restriction on vehicles entering a pedestrian zone	n/a	London only
54	j	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone	n/a	London only
55		A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	
56		Parked in contravention of a commercial vehicle waiting restriction	Higher	Non- overnight waiting restriction
57		Parked in contravention of a bus ban	Higher	Non- overnight waiting restriction
58		Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	London Lorry Control Scheme
59		Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	London Lorry Control Scheme
61	124cgn	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code-specific suffixes apply.
62	124cgn	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	Code-specific suffixes apply.
63		Parked with engine running where prohibited	Lower	
64	124	Parked in contravention of a notice prohibiting leaving vehicles on a grass verge, garden, lawn or green maintained by a local authority	n/a	Code-specific suffixes apply. For use in Essex only
65	124	Parked in contravention of a notice prohibiting leaving vehicles on land laid out as a public garden or used for the purpose of public recreation	n/a	Code-specific suffixes apply. For use in Essex only.
66	124cg	Parked on a verge, central reservation or footway comprised in an urban road	n/a	Code-specific suffixes apply. For use in Exeter only.
72		- - - RESERVED FOR BUILDERS' SKIPS CONTRAVENTIONS - - -		London only
75		- - - RESERVED FOR LITTERING FROM MOTOR VEHICLES - - -		
76		- - RESERVED FOR WASTE RECEPTACLE CONTRAVENTIONS - -		London only
99	no	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings

Off-Street

70		Parked in a loading place or bay during restricted hours without loading	Higher	Off-street loading areas
71		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	Off-street car parks
73	u	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		- - - RESERVED FOR DVLA USE - - -	n/a	
80	u	Parked for longer than permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks
82	puv4	Parked after the expiry of paid for time	Lower	Off-street car parks
83	4	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84	u	Parked with payment made to extend the stay beyond initial time	Lower	Off-street car parks
85	btrwyz45	Parked without clearly displaying a valid permit where required	Higher	Off-street car parks
86	prs	Not parked correctly within the markings of a bay or space	Lower	Off-street car parks
87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted	Higher	Off-street car parks
90	psuv	Re-parked in the same car park within one hour after leaving	Lower	Off-street car parks. "one hour" may be varied to another time period or "the prescribed time period"
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower	Off-street car parks. "two" may be varied to another number or "multiple"
95		Parked in a parking place for a purpose other than that designated	Lower	Off-street car parks
96		Parked with engine running where prohibited	Lower	Off-street car parks

Suffixes

General suffixes:–

a) temporary traffic order	b) business bay	c) buses only	d) doctor's bay
e) car club bay	f) free parking bay	g) motor cycle bay	h) hospital bay
i) wrong type of voucher	j) camera enforcement	k) ambulance bay	l) loading place
m) parking meter	n) red route	o) blue badge holder	p) pay & display
q) market traders' bay	r) residents' bay	s) shared use bay	t) voucher/P&D ticket used in
permit bay			
u) electronic payment	v) voucher	w) wrong parking zone	x) incorrect VRM
y) obscured / illegible permit	z) out of date permit	0) local buses / trams only	1) electric vehicles bay
2) goods vehicle loading bays	3) bicycle bay	4) virtual permit	5) dedicated disabled bay
6) hotel bay	7) taxis only	8) zero emission capable taxis only	9) electric vehicle car club bay

Taxi Ranks (code 45) only

w) amends the contravention code description to change the wording from 'stopped' to 'waiting'

Footway parking (codes 61, 62, 64, 65 and 66) only:–

1) one wheel on footway	2) partly on footway	4) all wheels on footway
c) on vehicle crossover	g) on grass verge	

Moving traffic contraventions only:–

32 d) proceeding in the wrong direction t) turning in the wrong direction w) one way traffic

33 b) buses only	c) buses and cycles only	e) buses, cycles and taxis only	f) buses and taxis only
g) local buses only	h) local buses and cycles only	i) local buses, cycles and taxis only	k) local buses and taxis only
q) tramcars and local buses only	r) tramcars only	s) tramcars and buses only	
38 l) must pass to the left	r) must pass to the right		
50 l) no left turn	r) no right turn	u) no U-turn	
52 g) goods vehicles exceeding max gross weight indicated		m) motor vehicles	s) solo motorcycles
v) all vehicles except non-mechanically propelled ones being pushed		x) motor vehicles except solo m/cycles	

Supplement to the Notes

Suffix 'j' identifies a contravention that can be used on highways other than red routes using CCTV. The suffix itself is not required on a PCN.

APPENDIX 4

Parking Shops/Offices

Within each District/Borough a 'Parking Shop/Office' is established, except Worthing and Adur where one Shop in Worthing serves both. This serves as a public information point regarding all matters relating to on and off-street parking and staff also oversee the administration of all the relevant aspects of the scheme i.e. permits, receipt of payment of PCNs and liaison with the TPT, maintenance of Pay and Display machines, distribution of vouchers to outlets, collection and banking of cash from voucher outlets and pay and display machines and the sale of vouchers.

Contact details for existing parking shops/offices within West Sussex are as follows:

- Bognor Regis – Arun District Council **01903 737655**
- Chichester – Chichester District Council **01243 534500**
- Crawley – Crawley Borough Council **01293 438218**
- East Grinstead – Mid Sussex District Council **01444 477212**
- Horsham – Horsham District Council **01403 215058**
- Worthing and Adur – NSL Services **0845 6800189**

Office staff provide general information on all aspects of parking within a town/city, both on-street and off-street or, if necessary, pass customers on to the relevant authority. The District/Borough Council or contractor is also responsible for the provision of a telephone helpline, which is manned during shop opening hours and covered by an answer-phone message service at all other times. Other duties undertaken by the District/Borough Council/contractor staff may include: -

- Administration of all the relevant aspects of the RPS.
- Receipt of payment of PCNs and liaison with the TPT as well as the Police. The Borough/District Council or contractor will be responsible for printing the PCNs and supplying the CEOs on request.
- Maintenance of Pay and Display machines.
- Collection and banking of cash from pay and display machines.
- Administration of the permit scheme.

Any other duties that may be added to it following agreement between WSCC and the District/Borough Council or contractor.

APPENDIX 5

PENALTY CHARGE NOTICE CASE LAW

Here are some of the key cases that have helped to clarify disputed issues in relation to PCNs, although the relatively informal nature of the adjudication process means that these decisions cannot set a binding precedent for future cases. They are shown here under the same headings as the corresponding Enforcement Policies in Part 4.

Bank Holidays and Sunday Enforcement

The following adjudication cases have dealt with this subject and the related subject of special events that have required additional temporary restrictions to be put into place on days when they would otherwise not be applicable –

Coley –v- London Borough of Brent

Kristovic –v- London Borough of Hammersmith and Fulham. In this case, the adjudicator held that because the Council's Traffic Regulation Orders did not specifically exclude any days from the waiting restrictions, there was no need for signs indicating that restrictions were in force on yellow lines on bank holidays.

Zammit –v- London Borough of Greenwich

Breakdowns

In the case of *Mr. B –v- Manchester City Council*, the garage invoice submitted by the appellant did not give the full correct registration number of the vehicle. The adjudicator accepted this was an error on the part of the garage and that the vehicle in question was broken down at the time.

Hire and Lease Agreements

Points were made about the information to be included in a hiring agreement in the case of *Autolease Ltd –v- London Borough of Barnet.*

Other cases which confirm these requirements are –

Global Transport –v- London Borough of Harrow

West Wallasey –v- London Borough of Hammersmith and Fulham

S F PLC –v- Sandwell Metropolitan Borough Council

Loading/Unloading Guidelines

Some relevant adjudication decisions are –

Jane Packer Flowers –v- Westminster City Council. This is the definitive decision on loading.

Norell –v- Westminster City Council (see section on 'Footway Parking')

Mr. H –v- Manchester City Council

Although the driver was loading and unloading, this activity did not include a period of over 10 minutes whilst printed material he was collecting was completed.

Mr. L –v- Oxfordshire County Council

The driver took a large bundle of washing to a launderette for a service wash. This was classed as loading and unloading, but he left the launderette to purchase some washing powder. This activity did not fall within the loading exemption.

Mr. B –v- Buckinghamshire County Council

Mrs B, who was pregnant at the time was collecting a helium cylinder, and required help from the proprietor loading it into the vehicle. She had to wait whilst the proprietor served another customer and was away from the vehicle for about 10 minutes. The adjudicator accepted this was part of the collection process.

Taxis and Mini Cabs

The following cases concentrate on the definition of Hackney Carriage and Private Hire Vehicles:-

Transport for London v Mr S Faw

Collins –v- Transport for London

APPENDIX 6

Signing and Lining of RPS

Lines

Permit Holder/Pay & Display/Limited Waiting Bays

All bays should be marked in white.

Parallel to kerb

Width – 1800 mm (min) to 2700 mm (max). In some areas standard dimensions may not be achievable (e.g. narrow or congested roads or where general residential demand is high).

Length (individual bays only) – 4500 mm (min) to 6600 mm (max).

Transverse (bay end) markings – 600mm length, to be repeated at 600mm intervals. Nearest marking to be 600mm from the kerbside.

Lateral (lengthways) markings - 600mm length, to be repeated at 600mm intervals

Line Width – 50mm

On minor residential roads, the clear running width should be at least 3.5 metres. Therefore, the absolute minimum width of road required for parking to take place on one side is 5.3 metres (allowing for a 1.8 metre parking space with 3.5 metres left for passing). Ideally, any road less than 6 metres wide should have 1.8 metre wide parking bays.

Parking may be permitted on both sides of the road where the width exceeds 9.0 metres or over short lengths where the width is between 6.0 and 9.0 metres.

Angled (echelon) bays

Width – 2000 mm (min) to 2500 mm (max).
Length – 4200 mm (min) on the angle.

Transverse (bay end) markings – 600mm length, to be repeated at 600mm intervals. Intersect line also to be 600mm in length.

Line width 50mm.

End On bays
Width – 2000 mm (min) to 2500 mm (max).
Length – 4500 mm (min)

Disabled Bays

All disabled bays to be marked in white with the word DISABLED outside the bay. Standard dimensions to be:

Parallel to kerb

Width - 2700 mm.
Length - 6600 mm minimum.

Transverse (bay end) markings – 600mm length, to be repeated at 600mm intervals. First marking to be 600mm from the kerbside.

Lateral (lengthways) markings - 600mm length, to be repeated at 600mm intervals

Line Width – 50mm
Disabled legend to be 50-150mm from the lateral markings
Disabled legend to be 350-700mm in height

90 degrees to kerb
Width - 3600 mm.
Length - 5000 mm.

Any other angle to kerb

Width – 3600 mm.
Length - to be determined by site - 4.2 mm (min) on the angle.

In some areas standard dimensions may not be achievable (e.g. narrow or congested roads or where general residential demand is high). These non-standard dimensions can range from…

Width - 1800 mm (min) to 3600 mm (max)
Length - 6600 mm (min) (parallel to kerb) or 4200 mm (angle/echelon).

Other Parking Bays

Diagram 1028.2

Taxi, Police and Ambulance parking bays to be marked in 50mm "deep cream" to dimensions specified by WSCC.

When no dimensions are supplied, standard bay to be:

Width - 1800 mm minimum
Length – 4500 mm minimum

Transverse (bay end) markings – 600mm length, to be repeated at 600mm intervals. First marking to be 600mm from the kerbside.

Lateral (lengthways) markings - 600mm length, to be repeated at 600mm intervals

Line Width – 50mm
Legend to be 50-150mm from the lateral markings
Legend to be 350-700mm in height

However, width may range from 1800 mm (min) to 2700 mm (max).

All other parking bays to be in white.

Loading Bays

To be marked in white with LOADING ONLY marked outside the bay.

Width – 1800 mm (min) to 3600 mm (max).
Length – 6600 mm (min)

Transverse (bay end) markings – 600mm length, to be repeated at 600mm intervals. First marking to be 600mm from the kerbside.

Lateral (lengthways) markings - 600mm length, to be repeated at 600mm intervals

Line Width – 50mm
Legend to be 50-150mm from the lateral markings
Legend to be 350-700mm in height

Yellow Lines

Single Yellow Lines – Diagram 1017
Double yellow Lines – Diagram 1018.1

All yellow lines should be approximately 250mm from the edge of the carriageway and 50mm "deep cream" in roads with a speed limit of 40mph or less. In roads with a speed limit of over 40mph, 100mm lines in lemon or canary yellow may be used. The gap between yellow lines must in all cases be the same as the width of each line.

Where 75mm has traditionally been used, yellow lines will be converted to 50mm (or 100mm in roads with a speed limit above 40mph) on all new markings and for the overlay of worn markings. Except, where a new line will abut an existing 75mm line, the new line should be laid at 75mm.

Although it is no longer a legal requirement, all lengths of single and double yellow lines should have a transverse terminal bar where they end, meet a parking bay or join a pedestrian crossing zig-zag or traffic signal stud. The terminal marking for single yellow lines should extend 150mm either side of the line itself and for double yellow lines, 150mm from the kerbside line.

Where there is a gully/drain cover, the yellow line(s) should run across it, regardless of whether there are gratings or if a full cover with no gaps. Yellow

lines should not be laid through pedestrian (including toucan/equestrian) crossings or their controlled areas.

No Waiting/Loading markings

Single Kerb Mark – Diagram 1019
Double Kerb Marks – Diagram 1020.1

Each kerb mark should be 250mm in length (300mm where there is no raised kerb) and 100mm in width. The gap between double kerb marks should be 100mm.

Each kerb mark should be laid so that the first and last in the series correspond with the limits of the prohibition (or where it meets another prohibition). The marks should be repeated at approximately 3m intervals, but may vary between 2-4 metres to avoid a short length at the end.

Kerb markings should not be laid through pedestrian (including toucan/equestrian) crossings or their controlled areas

School Keep Clear Markings (Diagram 1027.1)

Minimum length of a SKC marking to be 25560mm (25.56 metres) with a maximum length of 43560mm (43.56 metres). The basic marking may be extended in length by an equal amount at each end, in increments of 6 metres - comprising of a zig and zag at each end, being 3m in length. The permitted lengths are therefore 25560mm, 31560mm, 37560mm or 43560mm.

Height of legend – 700mm

Line Width – 150mm

Length of zig-zag – 3000mm with an angle of 90'

Transverse Marking to be at 45' to zig-zag

The Traffic Signs Manual, chapter 5 (2003), paragraph 22.21 allows two sets of SKC markings to be laid together with a 100mm gap between them.

Paragraph 22.23 says that "The markings should not normally be placed on both sides of the road, but only on the side where the entrance is situated. However, conditions may require otherwise, e.g. where there are school entrances on both sides of the road, or the road is so narrow that not to prevent parking on the opposite side to the school entrance is considered hazardous, or a patrol operates at that point."

The SKC markings may be made enforceable by the making of a TRO, provided that they conform to TSRGD. (Provisions in the 2016 TSRGD that were meant to have made such TROs unnecessary should not be relied upon for civil enforcement purposes pending resolution of legal issues.)

Bus Stop Clearways (Diagram 1025.1)

Transverse (end) markings – 1000mm length, to be repeated at 1000mm intervals. To have 100mm separation from clearway marking.
Lateral (lengthways) markings - 1000mm length, to be repeated at 1000mm intervals
Line Width – 100mm
Clearway marking – 200mm width
Height of each legend – 1600mm, to be separated by 1000mm gap
Each legend to have 100mm separation from lateral markings.

Faded Carriageway Markings

For yellow lines, yellow box junctions and white lines along a carriageway other than double white lines, a County Council Highways Inspector will intervene when the marking is missing or if 75% of the marking is worn (based on his/her individual assessment).

Although the intervention level is also set at 75%, a higher priority will be given to defects to double white lines (either sold or broken), give way junctions, stop junctions, pedestrian crossings and associated zig zag lines, yellow school keep clear markings and chevrons.

SIGNS/LINES MAINTENANCE

A protocol for remedial works sits alongside the agency agreements for CPE that exist between the County and District/Borough Councils. The purpose of this protocol is to set out the remedial work that the DCs/BCs may undertake on the highway, on behalf of WSCC and acting as its Agent &/or Contractor.

The works covered by the protocol are limited to (i) on-street parking signs and (ii) on-street parking carriageway markings on roads with a speed limit of 40mph, or less.

Works are limited to those required to ensure and maintain compliance with the national regulations for road signs and carriageway markings. This agreement does not replace or supersede the County Council's term maintenance contract.

This agreement does not extend to include any works involving the erection of any new or replacement sign posts that require excavation below ground level.

Works may only be undertaken on roads with a speed limit of 40mph or less and with appropriate traffic management arrangements in place, as required under Chapter 8 of the Traffic Signs Manual, *Traffic Safety Measures and Signs for Road Works and Temporary Situations*. Any requirement for the use of temporary traffic signals must be authorised in advance by WSCC and permitted with the appropriate New Roads and Street Works Act licence.

All works must be notified to WSCC using the agreed reporting procedure and must be authorised by WSCC in writing (by email) in accordance with the Remedial Work Authorisation procedure.

All works undertaken must meet the County Council's ***Road Marking Policy – Remedial Work*** and comply with the Traffic Signs Regulations and General Directions, 2016 ("TSRGD"), Traffic Signs Manual Chapter 3, *Regulatory Signs,* and Traffic Signs Manual Chapter 5, *Road Markings*.

WSCC has a public-facing defect reporting system, Love West Sussex ("LWS"), at http://love.westsussex.gov.uk/. This system interfaces with the County Council's Customer Management System and the back office system, Confirm, for authorising and managing highway works. LWS provides the necessary framework for the DCs/BCs to report defects to parking lines and signs.

The DC/BC will require a username to enable it to submit reports to LWS. This user name will be chosen by the DC/BC and will be the single point of contact for submitting reports. The reporting of defects should be managed by a supervisory member of staff, or above, to ensure consistency in the reports and to minimise the risk of duplicate reports being made.

The following details should be submitted for each defect: Type of fault, Location and Description.

Type of fault – this will be selected from a drop-down list on the LWS system:

- "Work reporting partner (L)" for reporting lines defects and
- "Work reporting partner (S)" for reporting sign defects.

Location – address (property name/no, road name & town) & coordinates of the defect

Description - entered as free text and must be structured as follows & contain **all** the following relevant information:

All	Degree of enforcement criticality	critical / not-critical
	Issue	Line faded / patchy Incorrect lining sign missing sign damaged Incorrect sign Sign requires cleaning
	Attach Photograph(s)	
	Cost to repair (against an agreed schedule of rates)	£
line defects	Type of line	SYL DYL Loading 'kerb blip' Bay marking (white) Bay marking (deep cream) School Keep Clear Bus Stop Clearway
	Length of defect	(m)

Sign defects	Sign required	diagram # (from sign library)
	Number required	#

Reports received by the system from the DC/BC registered username will automatically be re-directed to the Parking Strategy Team (PST). These reports will not be viewable by the public.

The Parking Strategy Team will review each report and either approve/close it. Only faults that the PST considers to be 'enforcement critical' will be approved.

Work approvals will be sent to the relevant DC/BC by email from the PST's generic email, setup solely for this purpose (LWSparking@westsussex.gov.uk).

Once remedial works have been completed, the DC/BC will inform the PST by return of email, confirming the date of completion and the final cost of the works. This is to provide an auditable 'conversation' of approval and completion notification, for reporting purposes.

Rejected reports will be marked as 'closed' and the DC/BC advised by email (also from LWSparking@westsussex.gov.uk) of the reasons for not authorising remedial works. The DC/BC may provide further information by return of email and the report may be reopened at a later date and authorised, as appropriate.

The DC/BC will provide a Schedule of Rates for undertaking remedial works, which will form the basis of the financial transactions.

The Parking Strategy Team will raise a 'call-off order' at the start of the financial year. This will cap the budget available for the remedial work in that District/Borough for that financial year.

The DC/BC will confirm the cost upon completion of works and submit an invoice at the end of each month for the works completed.

Invoices submitted by the DC/BC and approved by the Parking Strategy Team will be settled by WSCC against the 'call-off' order.

WSCC has a set of design standards for signs and lines. These standards are continuing to be developed and will evolve throughout the duration of this agreement, and in response to it.

Wherever possible, remedial work should be undertaken in accordance to the appropriate standard. However, where the use of the design standards would create an inconsistency with the parking lines and signs in the area surrounding the works, agreement should be sought to deviate from the design standard and to ensure that the works match &/or complement the surrounding lines or signs. This is to ensure that the remedial works do not create a patchwork of inconsistencies across an area, but contribute to maintaining a coherent street scene.

WSCC is compiling a signs library to assist in identifying appropriate replacement sign designs and to act as a design library to ensure consistency and accuracy across the County. This database will be maintained by WSCC and updates will be released, as required, to the DC/BC.

Only designs contained in the signs library may be used, unless a suitable design is not available. If the sign library does not have a suitable design, an appropriate design may be explicitly authorised by WSCC, and added to the database.

Signs will be manufactured using materials that meet WSCC's standards

Sign cleaning may only be reported, and will only be authorised, in exceptional circumstances, and when it is enforcement critical.

The works permitted by this agreement are limited to the refreshment of existing carriageway markings in accordance with the *Road Marking Policy – Remedial Work* and to a maximum length of 100m.

APPENDIX 7

Exemptions from Waiting Restrictions

The main exemptions commonly allowed by TROs which impose waiting restrictions are discussed below, and have been grouped into three categories –

Vehicles that are exempt in all circumstances –

This category covers vehicles where the nature of the type of activities they are engaged in, means that they will tend to be exempt whilst being used for almost all official business activities. The vehicles will normally be liveried.

- Vehicles used for fire brigade, ambulance or police purposes.

  This exemption only applies when the vehicle is being used for official business.

- A vehicle used in the service of a Council providing it is being used in the exercise of statutory functions and it is reasonably necessary for the vehicle to wait there.

  This category would include dust carts, vehicles used for work being carried out on the highway, repairing lamp columns and any other duties that the Council must legally perform. It could also include mobile library vans for example, but does not automatically apply to Council officers using their private vehicles for business activities, such as meetings or visits.

  Some councils extend the exemption to sub-contractors working on their behalf, but not all do and this will be a matter for each individual Council to decide, and to specify in their Traffic Orders.

- Public service vehicles operating a bus service.

  Refers to buses providing a registered service.

Vehicles that are exempt in some circumstances -

This category covers vehicles where the nature of some types of activities they are engaged in, means that they will be exempt whilst being used for those activities only, but not for all their official duties. The vehicles will normally be liveried.

- A vehicle used by any of the statutory undertakers in connection with specified operations.

  This applies to vehicles used in the service of gas, electricity, telecommunications and water companies. They must be necessary for the work being undertaken and there should be evidence that the vehicle is being used in connection with this work.

This exemption will apply where the undertaker is carrying out work on the road, or is called to an emergency situation at a property (gas escape, burst pipe, for example), but the vehicle is only covered by the exemption whilst the emergency is being dealt with. If any further work needs to be carried out (servicing or safety checks), the vehicle should be moved and then parked legally.

- A vehicle which is being used for delivering or collecting postal packets to or from a post box or premises.

  This refers to Post Office vehicles and to vehicles which have contracted to operate postal services, including Parcelforce.

- A vehicle used for the removal of furniture to or from an adjacent premises.

  The vehicle is only covered whilst actively engaged in moving furniture. However, in most cases furniture removals companies will usually apply for a suspension as this ensures that they are able to park outside the premises they are working at.

- A vehicle being used for building, demolition or industrial works.

  The vehicle must be actively used for the works.

Circumstances that lead to vehicles being exempt –

The third category covers any vehicle, and depends on circumstances. It is the circumstances that are the criteria for exemption, not the vehicle as in the previous two categories.

- Loading/unloading.

  See "Loading and Unloading" in Part 4 for further details.

- Waiting to allow a person to board or alight from a vehicle, and to load or unload their personal luggage.

  The length of time taken will vary, although it is generally expected that this will be around 2 minutes in the case of an able bodied person getting in or out of a vehicle.

  However, it is important to note that there is no set time limit, and in the case of an elderly or disabled person, or someone with luggage or shopping, more time may be necessary.

- A vehicle displaying a disabled persons badge (and clock where necessary).

  This exemption is covered by the blue badge scheme regulations.

  The length of time allowed on a yellow line is three hours and the badge must be displayed, along with the time clock, which should be set to the time of arrival. In permitted parking bays, the length of time a vehicle is permitted to stay will vary according to the Council's policies and badge

holders are not automatically allowed to use bays that are reserved for specific users, such as those reserved for residents only.

A disabled badge holder is not permitted to park where there is a waiting or loading restriction in force (yellow lines plus kerb markings).

- A vehicle which is prevented from moving by circumstances beyond the driver's control.

  This exemption is generally held to apply in the case of a vehicle breakdown, which it clearly does. However, it is important to note that this exemption is not solely confined to these circumstances and can also apply in any situation where an unforeseen emergency has prevented the vehicle from being moved.

The following exemptions are typically found in TROs, but are not universal and reference should be made to the appropriate Order to determine which exemptions actually apply in any given case.

- A solo motorcycle or moped in a designated motor cycle parking area.
- Licensed taxis waiting on an authorised taxi rank.
- A vehicle taking in petrol, oil, water or air at a roadside garage.
- A vehicle involved in the removal of an obstruction to traffic.
- A vehicle which is being used by or in the service of the military or visiting military forces.
- A vehicle waiting while a gate or barrier is opened/closed to allow access to or departure from premises.
- A vehicle which has been told by a police officer in uniform to wait, or which has to stop to avoid an accident.
- A stationary vehicle selling goods from a pitch in a restricted street whilst holding a licence from the Council to do so.
- A vehicle waiting to deliver or collect prisoners to or from a court.
- A vehicle used by a doctor, nurse or midwife attending an emergency.
- A principal vehicle responsible for the carriage of the wedding party/bride or hearse waiting for so long as is reasonably necessary in connection with a wedding or a funeral.

All Officers are to make themselves familiar with the traffic order.

APPENDIX 8

Document Control Guidelines

Document control	
Prepared By	Alpha Parking and West Sussex County Council
Authorised By	Miles Davy
Source Location	
Published Location	
Other documents referenced	
Related documents	
Superseded Documents	• CPE Enforcement Policy Manual • Penalty Charge Notice Processing Guide • Penalty Charge notice Case Manual
Acknowledgements	

Version control			
Version Number	**Date issued**	**Author**	**Update information**